

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

James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary
William L. Meyer, Director

LCIDN27 New Bern Brothers
Waste Storage Site N0320



October 21, 1997

Mr. H.D. Newbern III, Land owner
Mr. Finley S. Newbern, Land owner
P.O. Box 189
Powells Point, North Carolina 27966

Ref: Newbern Brothers Waste Storage Site - Land Clearing & Inert
Debris Notification located in Powells Point, Currituck County
as described by the deed recorded in BOOK:401 PAGE:46.

Mr. H.D. & Finley Newbern:

The Solid Waste Section has received the Land Clearing and Inert
Debris landfill notification signed by both of you on 24 July 1997,
received 15 October 1997. Disposal activities must remain under 2
acres, to operate under the provisions of this notification. An
individual permit from the Section is not required for these
disposal activities, and the following applies:

- (a). The owner of the land where the landfill is located must
notify the Division on a prescribed form, duly signed,
notarized, and recorded as per Sub-item (2)(b) of this
Rule. The operator of the landfill, if different from
the land owner, shall also sign the notification form.
- (b). The owner must file the prescribed notification form for
recordation in the Register of Deeds' Office. The
Register of Deeds shall index the notification in the
grantor index under the name of the owner of the land in
the county or counties in which the land is located. A
copy of the recorded notification, affixed with the
Register's seal and the date, book and page number of
recording shall be sent to the Division of Waste
Management.

If this property is sold, leased, conveyed or transferred, the deed
or other instrument of transfer shall contain in the description
section, in no smaller type than used in the body of the deed or
instrument, a statement that the property has been used as a Land
Clearing and Inert Debris landfill.

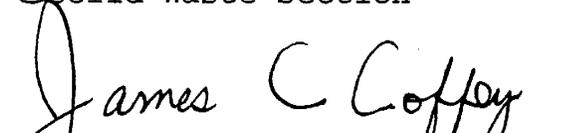
Amendments or revisions to the Solid Waste Management Rules or
violation of groundwater standards may necessitate modification of
the construction and operation of this facility or closure of this
facility. If information in the notification is found to be
inaccurate or false, then compliance action by the Solid Waste
Section and/or the local government with jurisdiction may result
in closure of this facility.

Mr. H.D. & Finley Newbern
Page 2
October 21, 1997

If you have any questions or if we can provide any other assistance, please do not hesitate to contact the Regional Waste Management Specialist, Mr. Chuck Boyette at (919) 946-6481 or Jim Barber at (910) 486-1191.

Thank you,


Jim Barber
Eastern Area Engineer
Solid Waste Section


James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

cc: Terry Dover
Chuck Boyette
Lee Flynn/RCO Central File: Currituck County Notification file

115

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

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



RECEIVED
 Solid Waste
 Section
 OCT 1997

LAND CLEARING AND INERT DEBRIS LANDFILL NOTIFICATION

Pursuant to 15A NCAC 13B .0563(2)(a), the land owner(s) and operator(s) of any Land Clearing and Inert Debris Landfill under two (2) acres in size shall submit this notification form to the Division prior to constructing or operating the landfill. This form must be filed for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification under the name of the owner(s) of the land in the county or counties in which the land is located. The Register's seal and the date, book, and page number of recording must be included on this form when submitted to the Division. This notification is not valid to authorize operation of a landfill unless complete, accurate, recorded, and submitted to the Division as required by 15A NCAC 13B .0563(2)(b).

1. Facility Name: Newbern Brothers
Demolition Waste Storage Site
2. Facility location (street address): SR 1121 Buster Newbern Rd.
 City: Powells Point County: Currituck Zip: 27966
3. Directions to Site: Approx. 750' north of SR 1121 (Buster Newbern Rd) and
2600' east of US 158 in Powells Point
4. The land on which this landfill is located is described in the deed recorded in: tax map- 110
 deed book: 401 page: 46 county: Currituck
5. Name of land owner: H.D. Newbern III & Kinley S. Newbern
6. Mailing address of land owner: P.O. Box 189
 City: Powells Point State: NC Zip: 27966
7. Telephone number of land owner: (919) 491-8424
 If the land is owned by more than one person, attach additional sheets with the name, address, and phone number of all additional land owners.
8. Name of operator: Same as above
9. Trade or business name of operator: Newbern Brothers
10. Mailing address of operator: P.O. Box 189
 City: Powells Point State: NC Zip: 27966
11. Telephone number of operator: (919) 491-8424
 If the landfill is operated by more than one person, attach additional sheets with the name, address, and phone number of all additional operators.
12. Projected use of land after completion of landfill operations: Farming

The following are the applicability, siting, and operating criteria for Land Clearing and Inert Debris Landfills operating under notification.

.0101 DEFINITIONS

- (72) "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.
- (73) "Land clearing and inert debris landfill" means a facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.
- (74) "Yard trash" means solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative materials.

.0563 APPLICABILITY REQUIREMENTS FOR LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS

Management of land clearing and inert debris shall be in accordance with the State hierarchy for managing solid waste as provided for under N.C.G.S. § 130A-309.04(a). Disposal in a landfill is considered to be the least desirable method of managing land clearing and inert debris. Where landfilling is necessary, the requirements of this Rule apply.

- (1) An individual permit from the Division of Solid Waste Management is not required for Land Clearing and Inert Debris (LCID) landfills that meet all of the following conditions:
- The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management.
 - The total disposal area is under two acres in size.
 - The facility and practices comply with the siting criteria under Rule .0564, and operational requirements under Rule .0566.
 - The fill activity is not exempt from, and must comply with all other 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.
- (2) Where an individual permit is not required, the following applies:
- The owner of the land where the landfill is located must notify the Division on a prescribed form, duly signed, notarized, and recorded as per Rule .0563(2)(b). The operator of the landfill, if different from the land owner, shall also sign the notification form.
 - The owner must file the prescribed notification form for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording shall be sent to the Division of Solid Waste Management.
 - When the land on which the Land Clearing and Inert Debris Landfill is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification.

.0564 SITING CRITERIA FOR LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS

The following siting criteria shall apply for Land Clearing and Inert Debris (LCID) landfills:

- Facilities or practices, shall not be located in the 100-year floodplain.
- Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
- 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.
- Facilities or practices shall not damage or destroy an archaeological or historical site.
- Facilities or practices shall not cause an adverse impact on a state park, recreation or scenic area, or any other lands included in the state nature and historic preserve.
- Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).
- It must be shown that adequate suitable soils are available for cover, either from on or off site.
- Land Clearing and Inert Debris landfills shall meet the following surface and ground water requirements:
 - Facilities or practices shall not cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), under Section 402 of the Clean Water Act, as amended.
 - Facilities or practices shall not cause a discharge of dredged materials or fill material into waters of the state that is in violation of the requirements under Section 404 of the Clean Water Act, as amended.
 - Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards.
 - Waste in landfills with a disposal area greater than two acres shall be placed a minimum of four feet above the seasonal high water table, except where an alternative separation is approved by the Division.
 - Waste in landfills with a disposal area less than two acres shall be placed above the seasonal high water table.
- The facility shall meet the following minimum buffer requirements:
 - 50 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212.
 - 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells.
 - Buffer requirements may be adjusted as necessary to insure adequate protection of public health and the environment.
- The facility shall meet all requirements of any applicable zoning ordinance.

.0566 OPERATIONAL REQUIREMENTS FOR LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS

Land Clearing and Inert Debris (LCID) landfills shall meet the following operational requirements:

- Operational plans shall be approved and followed as specified for the facility.
- The facility shall only accept those solid wastes which it is permitted to receive.
- Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.
- Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
- 120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. The Division may require further action in order to correct any condition which is or may become injurious to the public health, or a nuisance to the community.

- (6) Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- (7) Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
- (8) The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- (9) Access roads shall be of all-weather construction and properly maintained.
- (10) Surface water shall be diverted from the working face and shall not be impounded over waste.
- (11) Solid waste shall not be disposed of in water.
- (12) Open burning of solid waste is prohibited.
- (13) The concentration of explosive gases generated by the facility shall not exceed:
 - (a) Twenty-five percent of the lower explosive limit for the gases in facility structures.
 - (b) The lower explosive limit for the gases at the property boundary.
- (14) Leachate shall be properly managed on site through the use of current best management practices.
- (15) Should the Division deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter.
- (16) A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number. The permit number requirement is not applicable for facilities not requiring an individual permit.

Certification by Land 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 & Inert Debris landfill will comply with the requirements of Sections .0563, .0564 and .0566 of 15A NCAC 13B, North Carolina Solid Waste Management Rules. The facility and operations of this landfill will also comply with all applicable Federal, State, and Local laws, rules, regulations, and ordinances. Where the operator is different from the land owner, I, the land owner, have knowledge of the operator's plans to dispose of solid waste on the land and I specifically grant permission for the operation of the landfill. I understand that both the land owner and operator are jointly and severally liable for improper operations and proper closure of the landfill 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 operations of this landfill will be required to comply with all such revisions or amendments.

Finley S. Newbern
Print Name (Owner)
H. D. Newbern III
Print Name (Owner)
North Carolina

Finley Newbern
Signature (Owner)
H. D. Newbern III
Signature (Owner)

7/24/97
Date
7/24/97
Date

Currituck County

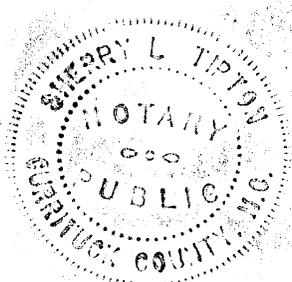
I, Sherry L. Tipton, a Notary Public for said County and State, do hereby certify that Finley S. Newbern & H. D. Newbern III personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 24th day of July, 1997.

(Official Seal)

Sherry L. Tipton
Notary Public

My commission expires December 1, 1998.



NORTH CAROLINA, CURRITUCK COUNTY

The foregoing certificate(s) of Sherry L. Tipton-Notary of Currituck County, NC

_____ is (are) certified

to be correct. This instrument was presented for registration at 10:55 o'clock AM, on October 6

19 97, and recorded in Book 413, Page 825.

Charlene Y. Wondley
Register of Deeds
By Natalie R. Jewid
Deputy Register of Deeds

Certification by 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 & Inert Debris landfill will comply with the requirements of Sections .0563, .0564 and .0566 of 15A NCAC 13B, North Carolina Solid Waste Management Rules. The facility and operations of this landfill will also comply with all applicable Federal, State, and Local laws, rules, regulations, and ordinances. I have informed the land owner of my plans to dispose of solid waste on the land and the land owner has specifically granted permission for the operation of the landfill. I understand that both the operator and land owner are jointly and severally liable for improper operations and proper closure of the landfill 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 operations of this landfill will be required to comply with all such revisions or amendments.

Print Name (Operator)

Signature (Operator)

Date

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 land owners and landfill operators, attach separate notarized certifications for each additional land owner and landfill operator.

For Corporate land owners and/or operators, use the Corporate Certifications, pages 5 and 6. Contact the Division of Solid Waste Management for proper applicable certifications.

INSTRUCTIONS

Purpose: Notification of Land Clearing and Inert Debris Landfills under two (2) acres in size is required under 15 NCAC 13B .0563(2)(a). Contact the Solid Waste Section at the address below for further information.

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

Division of Solid Waste Management
Solid Waste Section
PO Box 27687
Raleigh, North Carolina 27611-7687
(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.