APPROVED DOCUMENT
Division of Waste Management
Solid Waste Section
Approved April 13, 2016
By D. Wilson
Facility ID 4507-TP
Doc ID 25875 (permit)
Doc ID 25877 (applic)

TREATMENT AND PROCESSING PERMIT APPLICATION PACKAGE

FOR

RIVERSIDE STUMP DUMP, INC. II
MILLS RIVER SITE

PREPARED FOR:

RIVERSIDE STUMP DUMP, INC.
620 RIVERSIDE DRIVE
ASHEVILLE, NC 28801
PHONE: (828)-258-7339

PREPARED BY:

CIVIL DESIGN CONCEPTS, PA

168 Patton Avenue
Asheville, NC 28801
Phone: 828-252-5388
Fax: 828-252-5365

52 Walnut Street Suite 9
Waynesville, NC 28786
Phone: 828-452-4410
Fax: 828-456-5455

www.civildesignconcepts.com
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NORTH CAROLINA
WARREN M. STIGG
6/12/15

JOB No. 21407
June 12, 2015

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TREATMENT & PROCESSING PERMIT APPLICATION

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Section 1: Permit Application Report

CIVIL DESIGN CONCEPTS, PA

168 Patton Avenue
Asheville, NC 28801
Phone: 828-252-5388
Fax: 828-252-5365

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REPORT FOR PERMIT APPLICATION
RIVERSIDE STUMP DUMP, INC. II
5055 Old Haywood Road (NC 191)
Mills River, NC 28759

Owner of the facility: Clara Ray
620 Riverside Drive
Asheville, NC 28801
(828) 258-7339

Operator of the facility: Thomas Rhodes
5055 Old Haywood Road (NC 191)
Mills River, NC 28759
(828) 712-4758

The Riverside Stump Dump - Mills River facility operates a common yard waste processing facility. The facility receives and processes stumps, brush and other clean, woody waste materials into recycled products (mulch) and boiler fuel. The processed materials are mostly shipped to commercial accounts for gardening products and to facilities that utilize the recycled material as boiler fuel. The facility is currently operating under a North Carolina Division of Environment and Natural Resources (NCDENR): North Carolina Division of Waste Management, Composting and Land Application Branch's Notified Yard Waste Facility (YWN) Permit. In an effort to increase the capacity of the facility, the owner is seeking to obtain a Treatment and Processing Facility Permit, which will enable the facility to operate on more than two (2) acres and store more than 6,000 cubic yards of material quarterly. The facility under the NCDENR Treatment and Processing Permit will operate under all regulations. The grinder currently in use at the facility is the loudest piece of equipment and will not be any louder than the current operation.

The site is located at 5055 Old Haywood Road (NC Hwy 191) at the intersection of Old Haywood Road and Boylston Hwy (NC Hwy 280). The facility operates Monday-Saturday 7:30 AM to 5:00 PM. The property is owned by 229 Properties, Inc. and the parcel identification number is 9632-60-2823 deed book 926 page 584. The site is zoned for Mixed Use and lies within the jurisdictional area of the Town of Mills River Fire District. The adjoining parcels are all zoned as Mixed Use. The site is bounded on the east side by Old Haywood Road (NC 191) and Boylston Highway (NC 280), on the north and west by farmland and to the south by a vacant parcel. There is an existing communication tower facility also located centrally within the property. The distance to the nearest residence is approximately 700 linear feet. The distance to the nearest offsite commercial building is approximately 800 linear feet. No known wells exist within 100 linear feet off site.

The facility processes wood waste, and any other untreated wood products into recycled materials for reuse. Waste material is delivered in trucks from landscaping and construction sources. The waste material is brought to the site for processing through the northeast entrance off Old Haywood Road and is inspected on the truck to ensure the material is acceptable. A sign at both entries shall be maintained with information on types of acceptable waste, the permit number, and emergency phone numbers. Demolition waste or any type of waste that cannot be processed into mulch or bio-generation fuel is not accepted. Once the waste material is accepted, the truck is directed to dump the material at one of the sorting stockpiles. The material is sorted into three categories for processing. One category of end product requires that the processed material be very clean and to contain little dirt and contamination. The two other categories require varying degrees of cleanliness for the final production. The sorting process is done prior to chipping the material. Any material that is deemed unsuitable is separated into a stockpile that is hauled off to the sanitary landfill. Materials deemed unsuitable include metals, hazardous waste, trash, demolition waste, construction lumber, drywall, painted, treated and engineered lumber products, grass clippings etc.. All waste material is inspected twice when it arrives at the facility. The material is inspected while on the truck before unloading. Any trucks that contain any observable materials not acceptable for processing are immediately rejected from the facility in the truck in from which it arrived. If there are unacceptable materials buried in the load when it arrives then it is usually found when the material is dumped at the stockpile. If unacceptable materials are found in a load after it is dumped then the material is reloaded in the truck and rejected from the site immediately. Any materials that get past these two inspections are found when the material is sorted before it is sent to be loaded into the grinder for processing. Once the material has been processed, it is transferred to one of the designated stockpiles for processed materials. All stockpiles, processed and unprocessed, will be no larger than 50' wide and 30' high, unlimited length within boundaries. The processed materials are then loaded onto trucks for off-site delivery.

Equipment on the site includes one (1) grinder capable of handling stumps and tree trunks, one (1) tracked excavator to load material into the grinder, one (1) portable office, and one (1) portable toilet for sanitary requirements. In addition, there are dump trucks that are operated to transfer processed materials off-site to clients or accumulated waste materials to the landfill if necessary. One (1) – two (2) employees are on site to manage and handle the process.

Additionally there are dump trucks operating to transfer the materials off the site to end-users to the landfill if necessary.

END USES

The final product of this facility consists of three classes of product, fuel, clean fuel, and mulch. Fuel is processed and sent to the Domtar, Inc. in Kingsport Tennessee. This material is incorporated in their process as either fuel in their Co-Gen plant or into their final paper product. Clean Fuel, is processed and sent to Multitrade, 1585 York House Rd, Rabun Gap, GA 30568. This material is burned to generate power. Mulch is processed and sold to a variety of commercial accounts and wholesalers and the general public.

ACM

There are no asbestos containing material on site since there is not demolition waste is accepted at this facility.

WASTEWATER

There is not a sanitary sewer system connected to this site since there are not permanent facilities. All wastewater is contained in the Porta-John, which is serviced by the supplier on a regular basis.

FLOOD PLAIN

The facility is in conformance with the Henderson County Flood ordinance. None of the facility is constructed in the protected floodway. Since the material is not deposited in the floodway (the area of the waterway that transports floodwaters downstream) nor are any of the operations in the protected floodway. FEMA map numbers 3700963200J, 3700963100J (See attached). It is apparent that the entire site and all of the operations are above the base flood elevation and therefore cannot affect the over bank capacity of the flood system. Therefore has no affect on the design flood.

Prepared by Jesse Gardner, PE

Section 2: Operation and Maintenance Plan

CIVIL DESIGN CONCEPTS, PA

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Asheville, NC 28801
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Fax: 828-252-5365

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CIVIL DESIGN CONCEPTS, PA

OPERATION AND MAINTENANCE
RIVERSIDE STUMP DUMP, INC. II
5055 Old Haywood Road (NC 191)
Mills River, NC 28759

Operations:

1. Materials are received from general public. All material is inspected to make sure it is clean and all yard waste or untreated wood products. Unacceptable materials including metal of any kind, trash, demolition waste, construction lumber, drywall, any painted materials, grass clippings, treated wood, engineered wood products, construction wastes, and etc are rejected. Yard waste including leaves will not be accepted at this facility. Direct the material to the dump stockpile.

2. All materials are sorted by cleanliness. The cleanest materials go to the chipper for processing. The other materials shall be sent to the stream for processing as fuel or for Domtar Inc. or the Rabun Gap or as mulch.
Unacceptable material discovered shall be reloaded on the truck that delivered it immediately and sent off site. If the delivery truck has left the site the material shall be sorted and loaded on the first available truck and delivered to the appropriate landfill or other legally licensed facility. Small amounts of unacceptable materials sorted from the waste are loaded in 8 CY dumpsters for disposal. CWS will haul out.

3. The materials shall be chipped and stored in piles on site. Material shall be stockpiled in windrows. Material in the windrows shall be circulated until sale. All stockpiles, processed and unprocessed, will be no larger than 50' wide and 30' high, unlimited length within boundaries.

4. Also, the southern 1/3 of subject site is utilized for the receipt of land clearing waste which is subsequently ground, placed for a period of time in four to five foot pad depths for aging and then subsequently removed, transported out by end users, and then replenished. The area previously described is further divided into approximately three separate areas so that various sections or areas of the pad are in different stages at different times (i.e. #1 could be aging, #2 could be actively being filled with newly ground mulch and #3 could be the consumer source) and the process simply rolls between the areas described all the while the "dumping, grinding and loading out operations" are taking place on the top of the two aging and consumer pads. Given the geometry and topography of the subject site this is a more realistic option for receipt, aging and distribution of the material than is the option of aging the material in traditional windrows on the subject site. The operator shall be responsible for maintaining a timeline and graphic representation of the initial pad placement of the material after grinding. In

addition, the operator shall be responsible for documenting the subsequent removal of this material from said pad depth and distribution of the same to consumers.

5. Operators shall be responsible for managing a site plan grid indicating the turnover time frame of the aged mulch by spreader area.

Equipment Maintenance:

Equipment on the site includes one (1) grinder capable of handling stumps and tree trunks, one (1) tracked excavator to load material into the grinder, one (1) portable office, and one (1) portable toilet for sanitary requirements. In addition, there are dump trucks that are operated to transfer processed materials off-site to clients or accumulated waste materials to the landfill if necessary.

Storage of Materials:

The materials are stored in windrows on site, the windrows are planned to be approximately 25 feet wide at the bottom and 15 feet high and are oriented east/west on the site. All stockpiles, processed and unprocessed, will be no larger than 50' wide and 30' high, unlimited length within boundaries.

Control Measures:

1. Daily trash or litter generation will be maintained on the site in receptacles that shall be emptied on a regular basis.

2. Given the regional weather patterns, the material on site is not normally dusty and not subject under most circumstances to becoming a windborne nuisance. In the event that dust becomes an issue, the owner/operator have immediate access to a water truck. Since there are no food wastes on site, rodents are not a problem.

3. Runoff from the site is directed into drainage features around the site. Silt fences are erected at the locations where runoff is directed to stormwater collection features. These sediment fences will serve to control the migration of flotsam from the site in a storm event. The disturbed areas of the site are either seeded or stabilized with mulch in accordance with the erosion control ordinance. Silt fence with at least two silt fence outlets will buffer the facility at the 50 foot buffer offset along the east of the parcel.

Emergency Response Plan:

1. This site is located in the limits of the Town of Mills River and is services by those responders. All emergency situations shall be reported to the 911 system for Fire, Police and Medical emergencies.

2. Nonconforming waste shall be sent off the site with the person that delivered it to the site. Any other waste shall be loaded in the employee or contract operated hauler and delivered to the Henderson County Sanitary Landfill Facility.

Staff:

1. Manager. The manager is responsible for the business operation of the facility and general direction of the operation.

2. Superintendent. The Superintendent is responsible for specific operation of the load when it arrives at the site and handles the business transactions.

3. Operators: Operators are responsible for operating the equipment and handling the materials.

Contingencies:

1. The facility operates in all weather. The entrance to the facility is gated and paved allowing for operation in inclement weather. Should the weather be so bad as to preclude access to the facility on the state road system (blizzard), the gate is locked and there is no access to the facility.

2. Medical emergencies are dealt with by local emergency personnel. In the event of an emergency, on site personnel are trained in basic first aid in accordance with OSHA regulations. They will call 911 for the appropriate response team and administer first aid.

3. In case of a permanent closure of facility; stopping incoming material, haul mulch off for boiler fuel and sell to the public until all material were removed from the site.

Safety:

1. Safety. Worker Safety on site is directed in compliance with the specific requirements of the NC Department of Labor and OSHA.

Training:

1. All equipment operators are trained in the operation and general maintenance of the heavy equipment that is maintained on site. There is no plant equipment that does not fall into the category of construction equipment.

Record Keeping:

1. Records for the facility will be kept on site with totals of material processed totaled each month by county of origin. All reporting will be made in tons. Since the material is not weighed when it comes into the facility, an appropriate factor will be used to convert from CY to tons. This factor is approximately 600lbs/CY loose fill in truck. (1 cord (4'x4'x8') wood is defined as 4000 lbs by the pulpwood industry, (4000lbs/1128cf)x(27cf/1CY)=8441bs/CY...600lbs/CY as adjusted for loose dumped in the truck.

2. Reports shall be submitted to the division on August 1 of each year for the preceding period August 1 through July 31.

Section 3: Soils Exploration Report

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Asheville, NC 28801
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Fax: 828-252-5365

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BUNNELL-LAMMONS ENGINEERING, INC.
GEOTECHNICAL, ENVIRONMENTAL AND CONSTRUCTION MATERIALS CONSULTANTS

May 22, 2014

Mr. Jesse Gardner, P.E.
200 Swannanoa River Road
Asheville, North Carolina 28805

Subject: **TEST PIT EXPLORATION**
Riverside Stump Dump
Mills River, North Carolina
Project No. 9100-01

Dear Mr. Gardner:

Pursuant to your request, we performed four test pits on May 7, 2014 on the Riverside Stump Dump site in Mills River, North Carolina to determine the elevation of the seasonal water table level. It is our pleasure to present our findings in the context of the permitting process to establish the facility as a Treatment and Processing Center with the State.

Project Information

The Riverside Stump Dump is an operating waste wood recycling center of approximately 7 acres in size located in Mills River, North Carolina. The ownership is in the permitting process to become classified as a Treatment and Processing Center. Part of this process includes the assessment of the site's water table elevation. The specific permitting language by the Division of Waste Management states that "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." As such, a number of test pits and a groundwater literature review were performed for the property, as outlined in detail below.

Site Description

The subject property is located northwest of the intersection of Old Haywood Road and Boylston Highway in Mills River, North Carolina. At the time of subsurface exploration, the site was an operating mulch storage facility. Surrounding the piled and compacted mulch was a grassy field. The site was located at the base of a prominent land form, the crest of which is approximately 60 feet above the site. The site generally slopes downward to the southeast towards an unnamed stream running from north to east along the perimeter of the site. The creek is a tributary to the Mills River, the confluence to which is located approximately a mile downstream. Neighboring properties were occupied by grassy fields to the west and north, automotive shops to the south, and paved roads to the east.

130 OVAL ROAD, SUITE 200
ARDEN, NORTH CAROLINA 28704

PHONE (828) 277-0100
FAX (828) 277-0110

Subsurface Exploration

Four test pits were excavated within the mulch pad with a backhoe to depths ranging from 4 to 6 feet below the ground surface. The approximate test pit locations are shown on the attached Test Pit Log (Figure 2). The ground surface elevation at the test pits varied from approximately 2107 to 2138 feet referenced to the elevations shown on Figure 1 attached to this report. Locations for four test pits were distributed with respect to elevation and on-site constraints in order to gain a representative depiction of subsurface conditions for the site. The soils encountered were identified in the field, from excavated soils brought to the surface by the bucket of the excavator. The soil logs and photos for each test pit may be found in the following pages.

The subsoil conditions at the test pit locations generally consisted of mulch, gravel, and topsoil in varying combinations to a depth ranging from 1.5 to 2 feet, underlain by silty clay soils to 5.5 feet, the maximum depth explored. Groundwater was encountered during the excavation of test pits #2 and #3. In test pit #2, free water was entering the test pit from a depth in excess of 12 inches, in a layer which appeared to be a transition from topsoil into grey silty clay. In test pit #3, soil appeared to be entering the test pit from a layer of gravel (#57 stone) directly beneath the first layer of mulch.

The test pits were allowed to remain open for 24 hours. Upon re-examination on May 8th, approximately 24 hours later, test pits #1 and #4 had remained dry. Standing water was observed in test pit #2 and test pit #3 at depths of 30" and 28" below the ground surface, respectively. The free water elevation in test pit #3 was considerably lower than the elevation of the water observed to enter the test pit on the previous day, suggesting that the gravel layer had formed a manmade area of perched water not indicative of the natural water table elevation.

USDA Literature Review

A soil rating map was obtained from the United Stated Department of Agriculture (USDA) NRCS website, which provided regional information regarding water table elevations. The map designates soil deposits (designated as "map units" across the site) and provides the depth to water for each deposit. The deposit having the highest groundwater on this site, symbolized as DeB, is shown as having a groundwater depth of 91 cm over the time period from January through December (Figure 3). This correlates to the measurements made in the test pits.

Assessment

None of the test pits excavated encountered standing groundwater conditions within 12 inches of the ground surface, which is consistent with the reviewed USDA literature. Based on these observations, it is BLE's opinion that the encountered conditions meet the requirements set forth by the Division of Waste Management. It should be noted that ground water levels may fluctuate several feet with seasonal and rainfall variations and with changes in the water level in adjacent drainage features. Normally, the highest ground-water levels occur in late winter and spring and the lowest levels occur in late summer and fall. This exploration was conducted in early May, when groundwater levels would be expected to be higher.

Closure

Thank you for the opportunity to work with you on this project. If you have any questions, please feel free to contact us.

Sincerely,
BUNNELL-LAMMONS ENGINEERING, INC.

Chris Mattox by SCI

Chris Mattox, E.I.T
Staff Engineer

Jesse R. Jacobson, P.E.
Asheville Branch Manager
Registered, NC 30948

NORTH CAROLINA PROFESSIONAL SEAL 030948 ENGINEER JESSE R. JACOBSON
5/22/14

Attachments: Figure 1 – Test Pit Location Plan
Figure 2 – Test Pit Log
Figure 3 – USDA Depth to Water Table

Test Pit #1

Start Layer (ft)	End Layer (ft)	Soil Description
0	1.5	Greyish Brown
1.5	4.5	Yellowish Brown (moist)
Final Depth	4.5	**ft**
Water observed at excavation:	Not encountered	
Water observed after 24 hours:	No standing water	

Test Pit #2

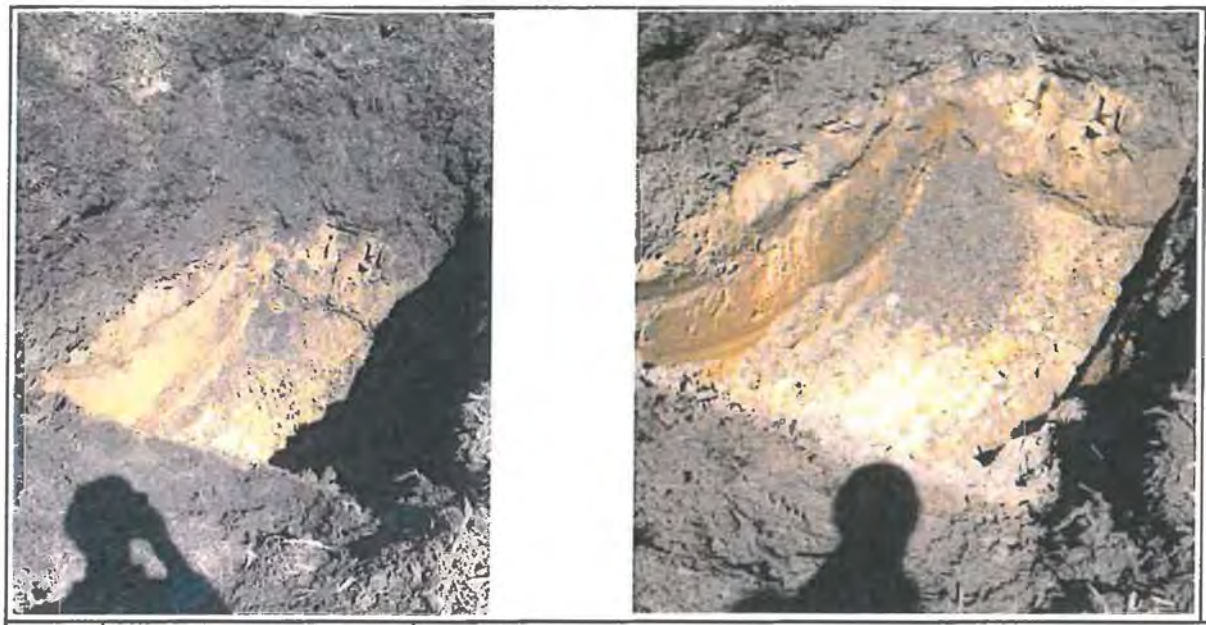
Start Layer (ft)	End Layer (ft)	Soil Description
0	1.5	Brown
1.5	3	Grey Wet Clay
3	4	Reddish Yellow Clay
Final Depth	4	**ft**
Water:	Water Infiltrating test pit at layer of grey wet clay	
Water observed after 24 hours:	Free water pooled at depth of 30"	

Test Pit #3

Start Layer (ft)	End Layer (ft)	Soil Description
0	1.5	Sandy Gravely Grey (Wet)
1.5	5.5	Yellowish Brown Soil (moist)
Final Depth	5.5	**ft**
Water:	Water infiltrating test pit emerging from sandy gravely grey soil	
Water observed after 24 hours:	Free water pooled at depth of 28"	

Test Pit #4

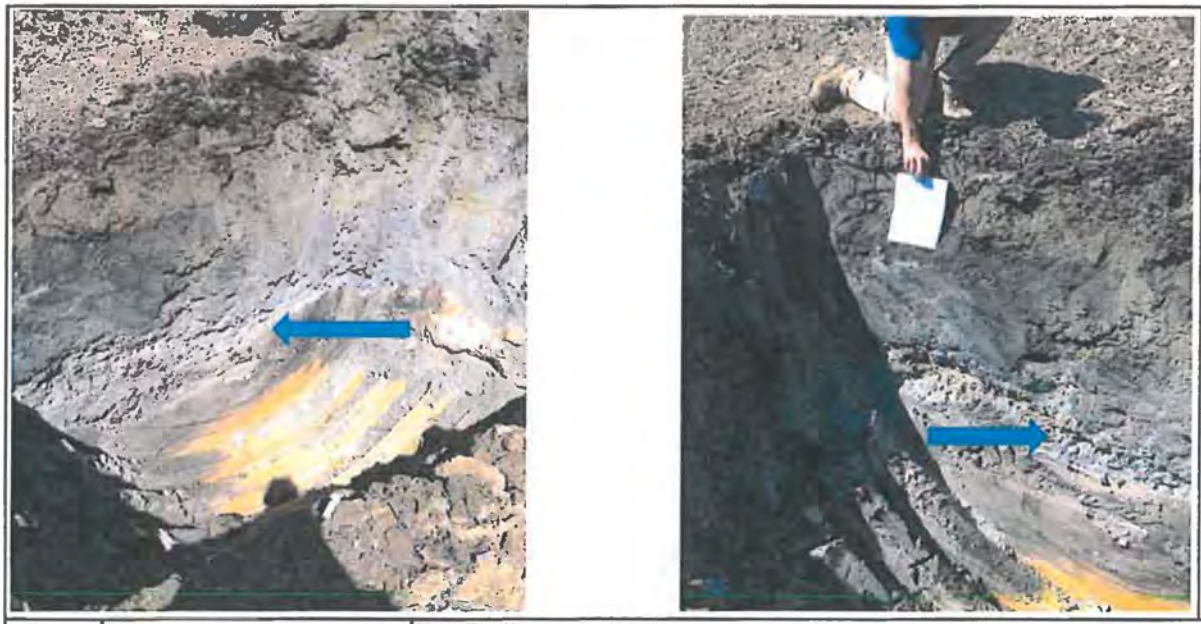
Start Layer (ft)	End Layer (ft)	Soil Description
0	2	Brown Topsoil, slightly moist
2	5.5	Reddish Brown Silty Sand, moist
Final Depth	5.5	**ft**
Water:	Not Encountered	
Water observed after 24 hours:	No standing water	



Date: 5-07 & 5-08

Photographer: Chris Mattox

Location / Orientation	Test Pit # 1
Remarks	Photo on the left is taken on May 7th, the Photo on the right is taken May 8th. Test pit remained dry.



Date: 5-07

Photographer: Chris Mattox

Location / Orientation	Test Pit #2
Remarks	Water observed entering test pit at depth noted on photo.

Date: 5-08

Photographer: Chris Mattox

Location / Orientation	Test Pit #2 (after 24 hrs)
Remarks	Free water depth 30" below soil surface

Date: 5-07

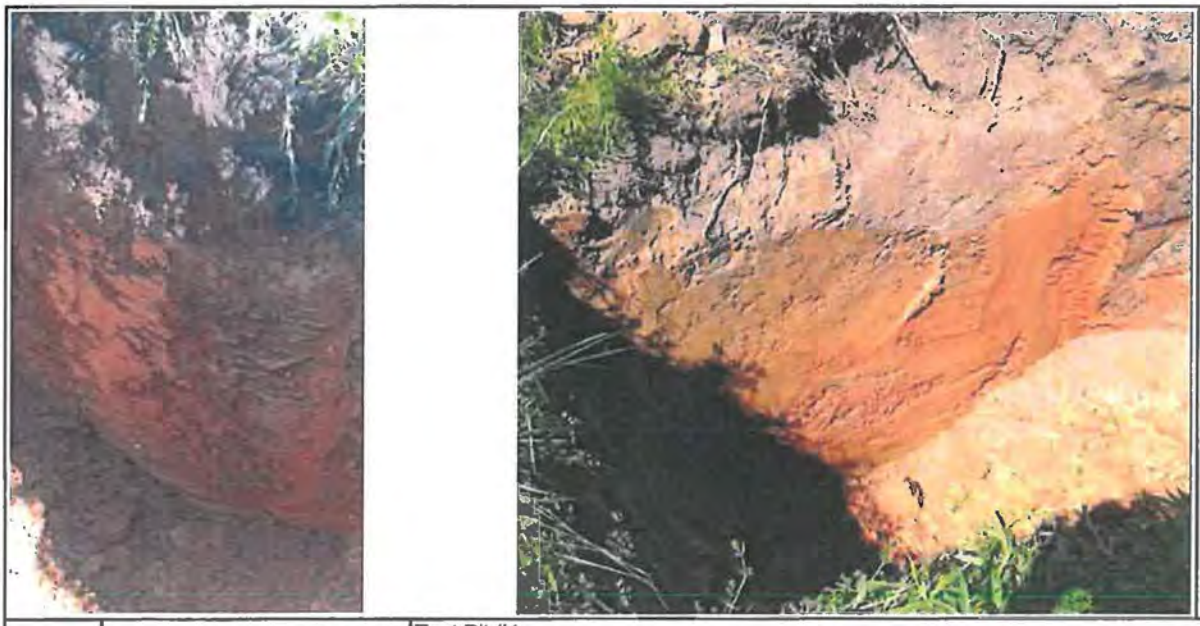
Photographer: Chris Mattox

L	
Remarks	Water observed entering test pit at depth noted on photo.

Date: 5-08

Photographer: Chris Mattox

Location / Orientation	Test Pit #3 (after 24 hrs)
Remarks	Free water depth 28" below soil surface



Date: 5-07 & 5-08

Photographer: Chris Mattox

Location / Orientation	Test Pit #4
Remarks	Photo on the left is taken on May 7th, the Photo on the right is taken May 8th. Test pit remained dry.

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

Soil Rating Polygons

- 0 - 25
- 25 - 50
- 50 - 100
- 100 - 150
- 150 - 200
- > 200
- Not rated or not available

Soil Rating Lines

- 0 - 25
- 25 - 50
- 50 - 100
- 100 - 150
- 150 - 200
- > 200
- Not rated or not available

Soil Rating Points

- 0 - 25
- 25 - 50
- 50 - 100
- 100 - 150
- 150 - 200
- > 200
- Not rated or not available

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Henderson County, North Carolina
Survey Area Data: Version 13, Dec 18, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 15, 2011—Dec 9, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Depth to Water Table—Henderson County, North Carolina
(Riverside Stump Dump, Mills River, NC)

Map Scale: 1:3,220 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 45 90 180 270

Feet: 0 150 300 600 900

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

Depth to Water Table

Depth to Water Table— Summary by Map Unit — Henderson County, North Carolina (NC089)				
Map unit symbol	Map unit name	Rating (centimeters)	Acres in AOI	Percent of AOI
BaB	Bradson gravelly loam, 2 to 7 percent slopes	>200	6.4	13.2%
BaC	Bradson gravelly loam, 7 to 15 percent slopes	>200	5.9	12.2%
DeB	Delanco (dillard) loam, 2 to 7 percent slopes	91	16.0	33.0%
HyC	Hayesville loam, 7 to 15 percent slopes	>200	17.6	36.3%
HyE	Hayesville loam, 15 to 25 percent slopes	>200	2.3	4.8%
To	Toxaway silt loam	15	0.2	0.5%
Totals for Area of Interest			**48.5**	**100.0%**

Description

"Water table" refers to a saturated zone in the soil. It occurs during specified months. Estimates of the upper limit are based mainly on observations of the water table at selected sites and on evidence of a saturated zone, namely grayish colors (redoximorphic features) in the soil. A saturated zone that lasts for less than a month is not considered a water table.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this soil property, only the representative value is used.

Rating Options

Units of Measure: centimeters

Aggregation Method: Dominant Component

Component Percent Cutoff: *None Specified*

Tie-break Rule: Lower

Interpret Nulls as Zero: No

Beginning Month: January

Ending Month: December

Section 4: Property Lease Agreement

CDC
CIVIL DESIGN CONCEPTS, PA

168 Patton Avenue
Asheville, NC 28801
Phone: 828-252-5388
Fax: 828-252-5365

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Waynesville, NC 28786
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NCBELS License # C-2184

State of North Carolina

Commercial Lease DUPLICATE ORIGINAL

County of Henderson

THIS LEASE is made and entered into between 229 Properties, Inc., of 229 N. Main Street, Hendersonville, North Carolina 28792, hereinafter called Lessor, and Riverside Stump Dump, Inc., of 796 Riverside Drive, Asheville, NC 28801, hereinafter called Lessee.

Lessee hereby offers to lease from Lessor the rental property situated in the County of Henderson, State of North Carolina described as Parcel ID # 9954102, exclusive of that area leased to Crown Castle International and the right of way from Highway 191 to the existing tower, more or less, located on Highway 280 and Highway 191, upon the following TERMS AND CONDITIONS:

TERM AND RENT

Lessor rents Parcel # 9954102, tract of land located on Highway 280 and 191 in Henderson County, North Carolina, for a term of three (3) years, beginning January 1, 2013 and ending on December. 31, 2015, or sooner as provided herein, at the monthly rate of FOUR THOUSAND ($4,000.00) DOLLARS, due and payable on the first day of each month for that month's rental, during the term of this lease. After the tenth day of the month there will be a late fee charge of $100.00. All rental payments shall be made to the Lessor at the address specified above.

Also conveyed herewith is the non-exclusive right to use the existing right of way for ingress and regress.

Lessor may, at Lessor's option, terminate this lease upon the giving of six (6) months notice to Lessee.

USE

Lessee shall use and occupy said rental property for the purpose of a stump grinding business, and related businesses.

CARE AND MAINTENANCE OF PREMISES

Lessee shall, at his/her own expense, and at all times, maintain the property in good and safe condition, and shall surrender the same at the termination hereof in as good condition as received.

ORDINANCES AND STATUTES

Lessee shall comply with all statutes, ordinances, zoning ordinances and requirements of all municipal state and federal authorities now in force, or which may hereafter be in force, pertaining to the rental property, occasioned by or affecting the use thereof by Lessee.

ASSIGNMENT AND SUBLETTING

Lessee shall not assign this lease or sublet any portion of the rental property without prior written consent of the Lessor, which shall not be unreasonably withheld. Any such assignment or subletting without the consent shall be void and at the option of the Lessor, may terminate this lease.

UTILITIES

All applications and connections for necessary utility services on the rental property shall be made in the name of Lessee only, and Lessee shall be solely liable for utility charges as they become due, including those for electricity and telephone service.

ENTRY AND INSPECTION

prior to the expiration of this Lease, to place upon the premises any usual For Lease signs, and permit persons desiring to lease the same to inspect the property thereafter.

INDEMNIFICATION OF LESSOR

Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the rental property or any part thereof, and Lessee agrees to hold Lessor harmless from any claims for damages, no matter how caused.

INSURANCE

Lessee, at his/her expense, shall maintain public liability insurance including bodily injury and property damage, insuring Lessee and Lessor with minimum coverage as follows:

Lessee shall provide Lessor with a Certificate of Insurance showing Lessor as additional insured. The certificate shall provide for a ten day written notice to Lessor in the event of cancellation or material change of coverage. To the maximum extent permitted by the insurance policies which may be owned by Lessor or Lessee and Lessor, for the benefit of each other, waive any and all rights of subrogation which might otherwise exist.

EMINENT DOMAIN

If the rental property or any part thereof, or any estate therein, or any other part of the property materially affecting Lessee's use of the property, shall be taken by eminent domain, this Lease shall terminate on the date when title vests pursuant to such taking. The rent, and any additional period beyond that date shall be repaid to Lessee. Lessee shall not be entitled to any part of the award for such taking or any payment in lieu thereof, but Lessee may file a claim for any taking of fixtures or improvements owned by Lessee, and for moving expenses.

LESSOR'S REMEDIES ON DEFAULT

If the Lessee defaults in the payment of rent, or any additional rent, or defaults in the performance of any of the other covenants or conditions hereof, Lessor may give Lessee notice of such default, and if Lessee does not cure any such default within five (5) days, after giving of such notice (or if such other default is of such nature that it cannot be completely cured within such period, if Lessee does not begin such curing within five (5) days and thereafter proceed with reasonable diligence and in good faith to cure said default) then Lessor may terminate this Lease on not less than five (5) days notice to Lessee. On the date specified in such notice the term of this Lease shall terminate, and Lessee shall then quit and surrender the premises to Lessor but Lessee shall remain liable as hereinafter provided. If the Lessee defaults in the payment of rent, Lessee shall remain liable for the rent due and payable for the remainder of the term. If this Lease shall have been so terminated by Lessor, Lessor may at any time thereafter enter the rental property and resume possession by any lawful means and remove Lessee or any occupants and their effects.

ATTORNEY FEES

In case suit should be brought for recovery of the premises, or for any sum due hereunder, or because of any act which may arise of the possession of the premises, by either party, the prevailing party shall be entitled to all costs incurred in connection with such action, including a reasonable attorney fees.

WAIVER

No failure of Lessor to enforce any term hereof shall be deemed to be a waiver.

NOTICES

Any notice which either party may or is required to give, shall be given by mailing the same, postage paid, to Lessee at the address shown below, or Lessor at the address shown below, or at such places as maybe designated by the parties from time to time.

HEIRS, ASSIGNS, SUCCESSORS

This Lease is binding upon and inures to the benefit of the heirs, assigns and successors in interest to the parties.

SUBORDINATION

This Lease is and shall be subordinated to all existing and future liens and encumbrances against the property.

ENTIRE AGREEMENT

This Lease contains the entire agreement of the parties hereto, and no representations, inducements, warranties, promises of agreements, oral or otherwise between the parties no embodied herein shall be of any force of effect. Any modification of this agreement is to take effect only if it is in writing and signed by both parties.

SEVERABILTY

If any provision of the lease is found to be unenforceable, illegal, or contrary to public policy, the remaining part of the lease shall remain in effect and enforceable.

APPLICABLE LAW

This agreement shall be governed and construed in accordance with the laws of North Carolina.

This the 19 day of Dec, 2012

BY: Clara W Ray (SEAL)

LESSEE, Riverside Stump Sump, Inc.

BY: Pres (SEAL)

LESSOR, 229 Properties, Inc.

UNCONDITIONAL GUARANTEE AND HOLD HARMLESS AGREEMENT

This agreement made this the 1 day of January, 2012 by and between 229 Properties, Inc. a North Carolina Corporation and Lawrence A. Hogan and William L. Gardo II Officers and Directors of 229 Properties, Inc. and Riverside Stump Dump, Inc. a North Carolina Corporation and Ronnie L. Ray and Clara W. Ray Officers and Directors of Riverside Stump Dump, Inc.

On January 1, 2012, 229 Properties, Inc. and Riverside Stump Dump, Inc. entered into a real property lease for the operation of a mulch grinding business. Riverside Stump Dump, Inc. acknowledges that it is the owner and operator of the Waste Management Facility and that 229 Properties, Inc. will not be involved in the operation.

Riverside agrees to operate the facility in a clean and safe manner. Riverside will do nothing which would cause any environmental problem and will clean up or cause to be cleaned up any environmental problem. At the termination of the lease Riverside will return the property to 229 Properties, Inc. in the same condition as when the lease was signed and will do anything required by the State of North Carolina to terminate a solid waste management facility.

Clara W. Ray and Ronnie L. Ray jointly and severally agree to guarantee payment to 229 Properties, Inc. and to perform any act needed to return the property to its former condition and will hold harmless 229 Properties, Inc., Lawrence A. Hogan and William L. Gardo II from any costs or expense to return the property to its former condition.

Clara W. Ray and Ronnie L. Ray jointly and severally agree to pay any fees, fines, penalties, or other monetary obligations imposed by the State of North Carolina, the Federal government, and/or any other county or local government entity, which are imposed as a result of the operation of Riverside Stump Dump, Inc., and to hold harmless 229 Properties, Inc., Lawrence A. Hogan, and William L. Gardo II theron.

Address:
796 Riverside Drive
Asheville, NC 28801

Address:
229 North Main Street
Hendersonville, NC 28792

_____(SEAL)
Ronnie L. Ray, Unconditional Guarantor

_____(SEAL)
Clara W. Ray, Unconditional Guarantor

B 926 P. 584

Filed and recorded in the Register of Deeds Office for Henderson County, N. C. this 24 day of June, 1997 at 12:30 o'clock P.M. in Book 926 at page 584.

Register of Deeds

This instrument drafted by: Hugh L. Key, Attorney at Law
After recording, mail to: Hugh L. Key
100 Jervey Road
Tryon, NC 28782

STATE OF NORTH CAROLINA JUN 24 '97 Real Estate Excise Tax 196.00

Stamps $196.00

NORTH CAROLINA ,
,
HENDERSON COUNTY ,

DEED OF SUBSTITUTE TRUSTEE

This Deed, made and entered into this the 24th day of June, 1997, by and between HUGH L. KEY, acting as Substitute Trustee as hereinafter stated, of Polk County, North Carolina, Party of the First Part; and 229 PROPERTIES, INC., a North Carolina Corporation, Party of the Second Part;

WITNESSETH:

Whereas, John R. Pauwels, Unmarried, executed to William J. Trull, Jr., Trustee, upon the lands hereinafter described, that certain Deed of Trust dated May 24, 1996, and recorded in Deed of Trust Book 658, Page 346, in the Office of the Register of Deeds for Henderson County, North Carolina; and

Whereas, a Substitution of Trustee was recorded in Deed Book 915, Page 414, in the office of the Register of Deeds for Henderson County, North Carolina, whereby the undersigned was substituted as Trustee; and

Whereas, the indebtedness therein secured being overdue and unpaid, and the holder of the indebtedness having called for foreclosure of the Deed of Trust, and after proper notice given to those persons entitled by law to such notice, a hearing was held before the Clerk of Superior Court of Henderson County, North Carolina, and an order entered by the Clerk of Superior Court directing the undersigned Substitute Trustee to proceed with the foreclosure of the Deed of Trust, as will appear by reference to File No. 97 SP-14 in the Office of The Clerk Of Superior Court, and after due advertisement of the notice of sale as required by law and the terms of the Deed of Trust, said Substitute Trustee offered for sale the lands described in the Deed of Trust at the door of the Henderson County Courthouse in Hendersonville, North Carolina, to the highest bidder for cash at 2:00 o'clock P.M. on the 29th day of April, 1997, when and where Lawrence A. Hogan, Agent, became the last and highest bidder at the price of NINETY EIGHT THOUSAND AND 00/100 ($98,000.00) DOLLARS; and

Whereas, a report of the sale was filed with the Clerk of Superior Court by the Substitute Trustee on the 29th day of April, 1997, and whereas, the bid remained open for more than ten (10) days and no advance bid was offered and no objection made; and

Whereas, said bid was assigned by Lawrence A. Hogan, as Agent, to 229 Properties, Inc., as will appear by reference to the file in this action;

Whereas the purchase price has been paid;

Now, therefore, HUGH L. KEY, acting as Substitute Trustee as aforesaid and in consideration of the premises and of the sum of $98,000.00 to him in hand paid

Being located in Henderson County, North Carolina and being more particularly described as follows:

BEING all of Lot 3 as shown on a plat entitled "Property of Jennings Carland" recorded at Plat Slide 1833, Henderson County Registry, containing 6.93 acres, more or less, according to said plat.

SUBJECT TO easements, restrictions and rights of way of record, including the rights of way of Highway 191 and 280 to their full legal widths.

The address for the property is 6.93 acres at intersection of Highway 280 and Highway 191, Mills River, NC 28729.

It is the intent of this deed to convey all that property described in that Deed of Trust recorded in Book 658, Page 346, Henderson County Registry.

To have and to hold, the lands and premises together with all privileges and appurtenances thereunto belonging to the Party of the Second Part and its successors and assigns, in as full and ample a manner as the Substitute Trustee has power to convey the same;

This conveyance is expressly made subject to all prior liens, unpaid County and City ad valorem taxes, restrictions and easements of record, and assessments, if any.

In Witness Whereof, the Substitute Trustee has hereunto set his hand and seal the day and year first above written.

Hugh L. Key (SEAL)
Hugh L. Key, Substitute Trustee

STATE OF NORTH CAROLINA ,

COUNTY OF ~~POLK~~ HENDERSON

I, a Notary Public of the County and State aforesaid, certify that Hugh L. Key, Substitute Trustee, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this 24th day of June, 1997.

Vanessa Mintz
Notary Public

My commission expires: 9-27-98

NORTH CAROLINA
HENDERSON COUNTY

The foregoing Certificate(s) of Vanessa Mintz, Notary Public, is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Nedra Whitlock Moles
REGISTER OF DEEDS FOR HENDERSON COUNTY

Section 5: Maps

- **Site Plan with Test Pit Locations**
- **Aerial Map**
- **USGS Topographical Map**
- **Fema Firm**

CIVIL DESIGN CONCEPTS, PA

168 Patton Avenue
Asheville, NC 28801
Phone: 828-252-5388
Fax: 828-252-5365

52 Walnut Street Suite 9
Waynesville, NC 28786
Phone: 828-452-4410
Fax: 828-456-5455

www.civildesignconcepts.com
NCBELS License # C-2184

Henderson County
Geographic Information Systems (GIS)
200 North Grove Street
Hendersonville, NC 28792
P: (828) 698-5124
F: (828) 698-5122

March 13, 2014

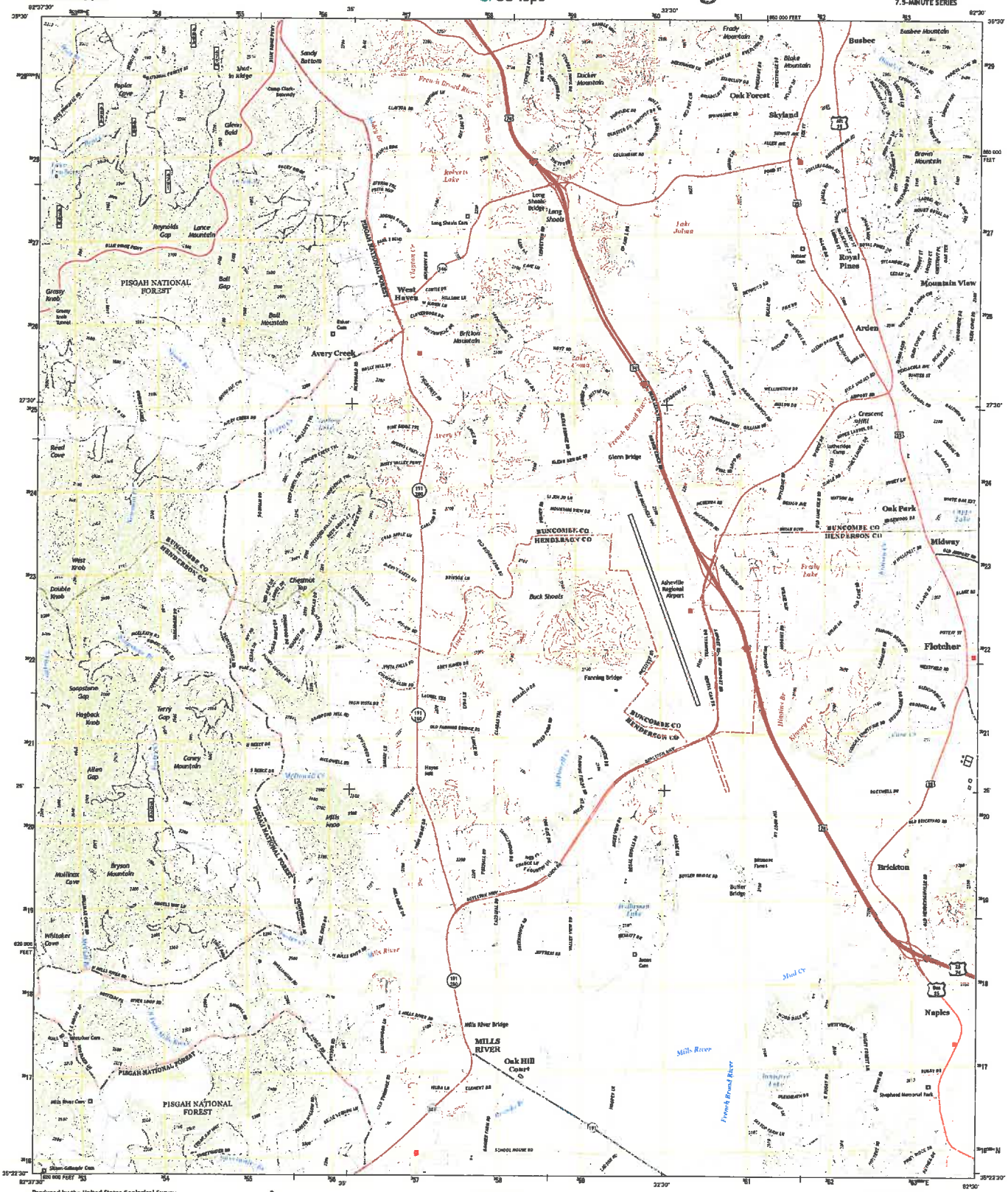
WARNING: THIS IS NOT A SURVEY.

All information or data provided (whether subscribed, purchased or otherwise distributed) is provided as is, without any warranties, including the warranties of merchantability or of fitness for a particular purpose. Henderson County and its employees make no warranties or guarantees, either express or implied. Use of the information or data subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk.

U.S. DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY

The National Map US Topo

SKYLAND QUADRANGLE
NORTH CAROLINA
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and 1 000-meter grid: Universal Transverse Mercator, Zone 17S
10 000-foot ticks: North Carolina Coordinate System of 1983

Imagery ..... NAIP, September 2012
Roads ..... C 2006-2012 TomTom
Roads within US Forest Service Land ..... FS Topo Data with limited Forest Service updates, 2012
Names ..... GNIS, 2012
Hydrography ..... National Hydrography Dataset, 2012
Contours ..... National Elevation Dataset, 2006
Boundaries ..... Census, BWC, BC, USGS, 1972 - 2012

MN
6° 31'
10.3 MILS
0° 53'
15.0 MILS
MAP AND GRID 2013 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

U.S. National Grid
17S
Grid Zone Designator
FTG

SCALE 1:24 000

KILOMETERS
METERS
MILES
FEET

CONTOUR INTERVAL 20 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the National Geospatial Program US Topo Product Standards, 2011.
A metadata file associated with this product is draft version 0.6.11

NORTH CAROLINA

SKYLAND 7.5' QUADRANGLE

Etowah	Asheville	Clyde
Downtown Hendersonville	Skyland	Fairview
Pisgah Forest	Horse Shoe	Bat Cave

ADJOINING 7.5' QUADRANGLES

ROAD CLASSIFICATION

Expressway — Local Connector
Secondary Hwy — Local Road
Ramp — 4WD
Interstate Route — US Route — State Route
FS Primary Route — FS Passenger Route — FS High Clearance Route

Check with local Forest Service unit for current travel conditions and restrictions.

SKYLAND, NC
2013

Northing: = 623,216, Easting = 934,831

Northing: = 623,216, Easting = 938,299

Northing: = 619,748, Easting = 934,831

Northing: = 619,748, Easting = 938,299

Without Base Flood Elevation (BFE)
With BFE or Depth

Regulatory Floodway

0.2% Annual Chance Flood Hazard

Future Conditions 1% Annual Chance Flood Hazard

Areas Determined to be Outside the 0.2% Annual Chance Flood Hazard

Jurisdiction Boundary

FIRM Panel Boundary

North Carolina State Plane Projection Feet (Zone 3200)
Datum: NAD 1983 (Horizontal), NAVD 1988 (Vertical)

1 inch = 500 feet 1:6000

0 125 250 500 Feet

0 25 50 100 Meters

FEMA National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

Panel(s):9632,9631

CONTAINS:

COMMUNITY	CID
TOWN OF MILLS RIVER	370025

Notice to User: The Map Number(s) shown below should be used when placing map orders; the Community Number(s) shown above should be used on insurance applications for the subject community.

SELECTED PANELS:

MAP NUMBER	EFFECTIVE DATE
3700963200J	10/2/2008
3700963100J	10/2/2008

This is an official copy of a portion of the above referenced flood map. This map incorporates changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov.

FEMA: National Flood Insurance Program

Panel(s):9632,9631

CONTAINS:

COMMUNITY	CID
TOWN OF MILLS RIVER	370025

Notice to User: The Map Number(s) shown below should be used when placing map orders; the Community Number(s) shown above should be used on insurance applications for the subject community.

SELECTED PANELS:

MAP NUMBER	EFFECTIVE DATE
3700963200J	10/2/2008
3700963100J	10/2/2008

NOTES TO USERS

This is an official FIRMette of a portion of the effective panels listed in the Title Block shown on Page 1. The information represented on this FIRMette was extracted from the effective digital flood hazard data available at www.floodmaps.nc.gov/fmis.

Base flood elevation data, floodway, nonencroachment widths, information on certain areas no in the Special Flood Hazard Areas protected by flood control structures, and other pertinent data are available in the Flood Insurance Study (FIS) available at www.floodmaps.nc.gov/fmis. Users should be aware that flood elevations shown on this FIRMette represent elevations rounded to one tenth of a foot (0.1') and should be utilized in conjunction with data available in the FIS.

The FIS report also provides instructions for determining a floodway using non-encroachment widths for flooding sources studied by limited detailed methods.

NOTES TO USERS

Base map information and geospatial data used to develop this FIRMette were obtained from various organizations, including the participating local community(ies), state and federal agencies, and/or other sources. The primary base for this FIRM is aerial imagery acquired by the State in 2010. Information and geospatial data supplied by the local community(ies) that met FEMA base map specifications were considered the preferred source for development of the base map.

See geospatial metadata for the associated digital FIRMette for additional information about base map preparation. Base map features shown on this FIRMette, such as corporate limits, are based on the most up-to-date data available at the time of publication. Changes in the corporate limits may have occurred since this map was published. Map users should consult the appropriate community official or website to verify current conditions of jurisdictional boundaries and base map features. This map may contain roads that were not considered in the hydraulic analysis of streams where no new hydraulic model was created during the production of this statewide format FIRM.

See geospatial metadata for the associated digital FIRMette for additional information about base map preparation. Base map features shown on this FIRMette, such as corporate limits, are based on the most up-to-date data available at the time of publication. Changes in the corporate limits may have occurred since this map was published. Map users should consult the appropriate community official or website to verify current conditions of jurisdictional boundaries and base map features. This map may contain roads that were not considered in the hydraulic analysis of streams where no new hydraulic model was created during the production of this statewide format FIRM.

Flood elevations on this map are referenced to either or both the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Datum of 1929 (NGVD 29), and are labeled accordingly. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. To obtain current elevation, description, and/or location information for bench marks shown on this map, or for information regarding conversion between NGVD 29 and NAVD 88, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at http://www.ngs.noaa.gov/.

MORE INFORMATION

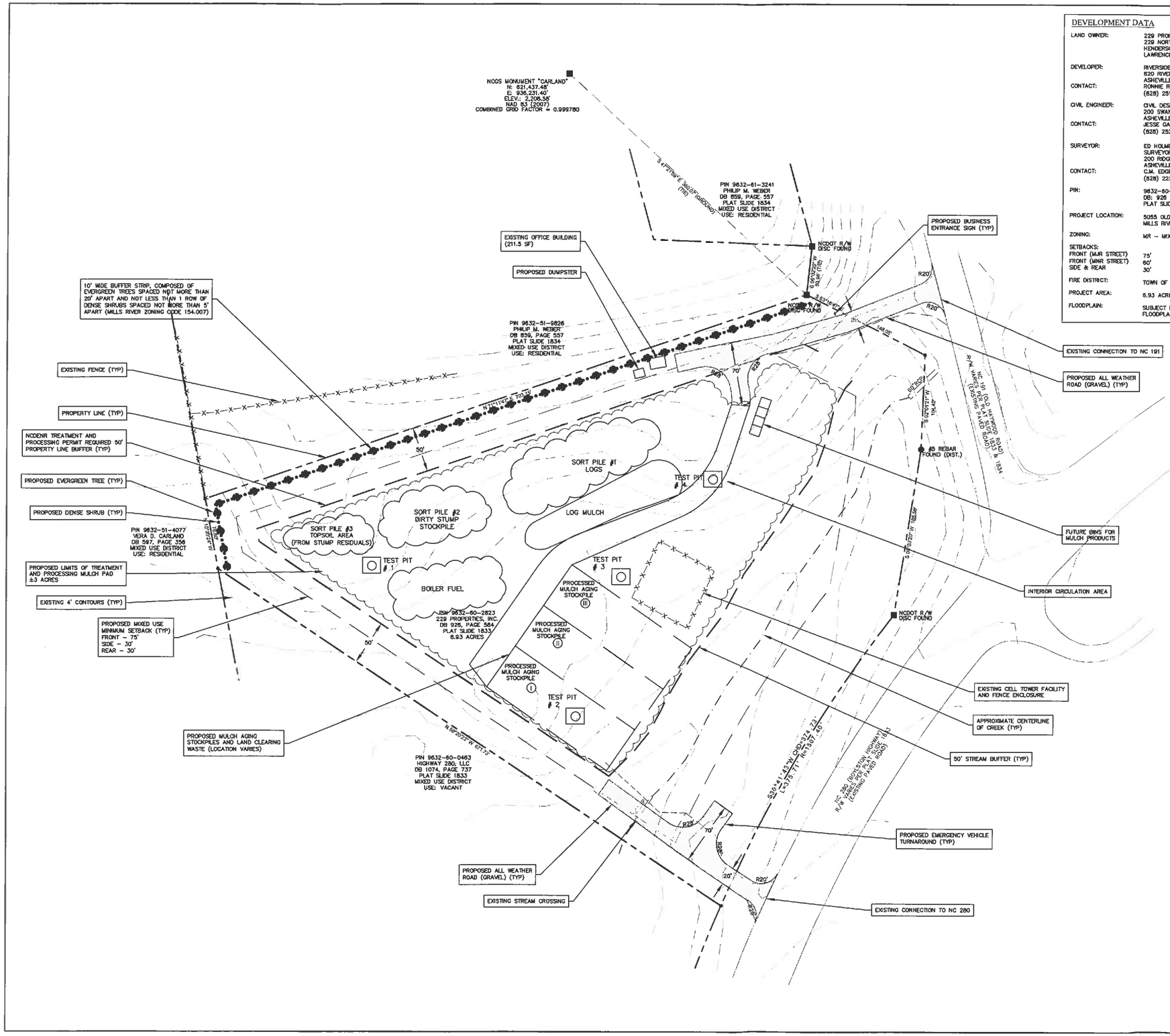
Letters of Map Amendment (LOMA)	1-877-336-2627
	http://msc.fema.gov/
Letters of Map Revision (LOMR)	919-715-5711
	www.ncfloodmaps.com
Flood Insurance Availability	
North Carolina Division of Emergency Management (NCDEM)	919-715-5711
	http://www.nccrimecontrol.org/nfip
National Flood Insurance Program (NFIP)	1-877-638-6620
	http://www.fema.gov/business/nfip
Questions about this FIRMette	1-877-336-2627
	http://fema.gov

LEGEND

- Coastal Barrier Resources System (CBRS) Areas
- Otherwise Protected Areas (OPAs)
- Letters of Map Revision (LOMR)
- 1% Annual Chance Floodplain Boundary
- 0.2% Annual Chance Floodplain Boundary
- Floodway Boundary
- Unit of Study
- Channel, Culvert, Aqueduct, or Storm Sewer
- Accredited or Provisionally Accredited Levee, Dike or Floodwall
- Non-accredited Levee, Dike or Floodwall
- Hydrographic Feature
- Profile Baseline
- 012 — 1% Annual Chance Cross Sections
- 8 — Coastal Transect
- BM5510 — North Carolina Geodetic Survey Bench Mark (for more information visit http://www.ncgs.state.nc.us)
- BM5510 — National Geodetic Survey Bench Mark (for more information visit http://www.ngs.noaa.gov)
- BM5510 — NGS 5th GPS 2-5 cm Vertical Control Marks or Contractor-Established NCFMP Bench Marks (for more information visit http://www.ncgs.state.nc.us)
- M 1.5 — River Mile Marker

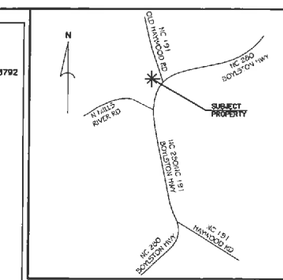
MAP REVISIONS

There are no map revisions for the selected area.



DEVELOPMENT DATA

LAND OWNER:	229 PROPERTIES, INC. 229 NORTH MAIN STREET HENDERSONVILLE, NORTH CAROLINA 28792 LAWRENCE HOGAN
DEVELOPER:	RIVERSIDE STUMP DUMP, INC. 820 RIVERSIDE DRIVE ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	RONNIE RAY (828) 251-5777
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 200 SWANNANOA RIVER ROAD ASHEVILLE, NORTH CAROLINA 28805
CONTACT:	JESSE GARDNER, P.E. (828) 252-5388
SURVEYOR:	ED HOLMES & ASSOCIATES LAND SURVEYORS, P.A. 200 RIDGEFIELD CT., SUITE 215 ASHEVILLE, NORTH CAROLINA 28806
CONTACT:	C.M. EDGERTON, JR., P.L.S. (828) 225-6562
PIN:	9632-60-2823 DB: 926 PG: 584 PLAT SLIDE: 1833
PROJECT LOCATION:	5055 OLD HAYWOOD ROAD (NC 191) MILLS RIVER
ZONING:	MR – MIXED USE DISTRICT
SETBACKS: FRONT (MJR STREET) FRONT (MNR STREET) SIDE & REAR	 75' 60' 30'
FIRE DISTRICT:	TOWN OF MILLS RIVER
PROJECT AREA:	6.93 ACRES
FLOODPLAIN:	SUBJECT PROPERTY IS NOT WITHIN FLOODPLAIN LIMITS



VICINITY MAP

(NOT TO SCALE)

AREAS I, II & III REPRESENT THE PROPOSED MULCH AGING STOCKPILE AREAS (IN LIEU OF WINDROWS). THE SPECIFIC OPERATION AND SEQUENCE IS DESCRIBED IN THE ENCLOSED REPORT.

LOCAL FIRE DEPARTMENT TO BE PROVIDED WITH KNOX BOX ACCESS FOR ALL GATE LOCKS IN ORDER TO PROVIDE 24 HOUR EMERGENCY SERVICES ACCESS

811 Know what's **below.** **Call** before you dig.

NORTH

SITE PLAN

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

200 SWANNANOA RIVER ROAD
ASHEVILLE, NC 28805
PHONE (828) 252-5388
FAX (828) 225-5395

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NORTH CAROLINA
PHONE (828) 452-4410
FAX (828) 456-5455

NCBELS LICENSE #: C-2184
www.civildesignconcepts.com

CDC CIVIL DESIGN CONCEPTS, PA

NO.	DATE	DESCRIPTION	BY

FOR REVIEW ONLY

SITE PLAN FOR:

RIVERSIDE STUMP DUMP
MILLS RIVER SITE

MILLS RIVER, NORTH CAROLINA

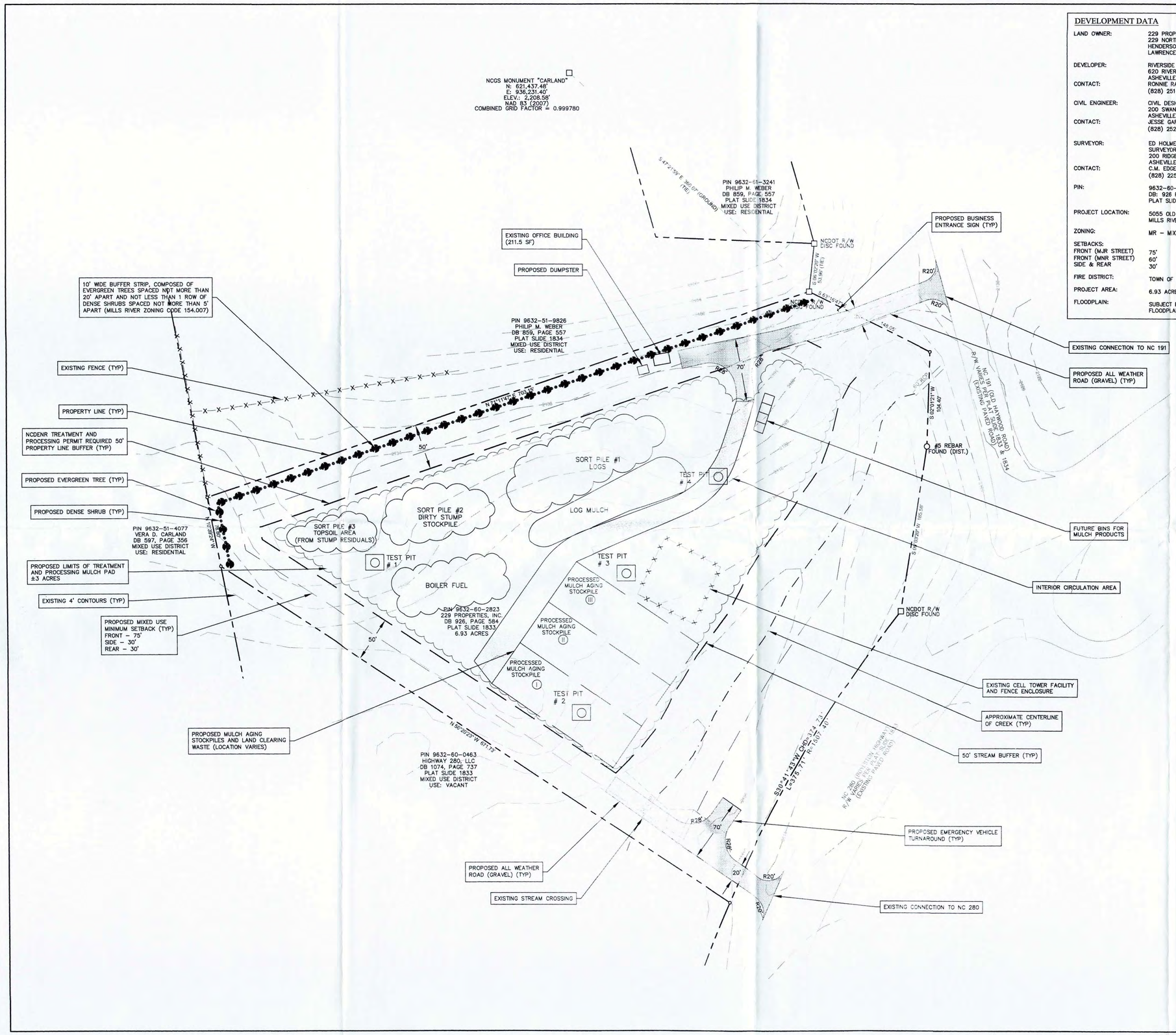
DATE: 03/17/14

DRAWN BY: MEG

CDC PROJECT NO.: 21407

SHEET

C1



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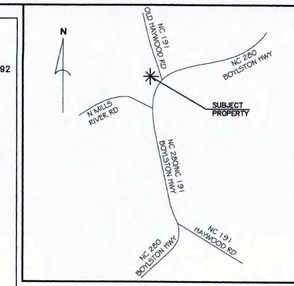

VICINITY MAP

(NOT TO SCALE)

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811 Know what's below. Call before you dig.

NORTH

SITE PLAN

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

RECEIVED
JUN 23 2015
SOLID WASTE SECTION

200 SWANNANOA RIVER ROAD
ASHEVILLE, NC 28805
PHONE (828) 252-5388
FAX (828) 252-5385

52 WALNUT STREET - SUITE B
WAYNESVILLE, NC 28786
PHONE (828) 452-4410
FAX (828) 456-5455

NCBELS LICENSE #: C-2164
www.civildesignconcepts.com

CDC
CIVIL DESIGN CONCEPTS, PA

NO.	DATE	DESCRIPTION	BY

FOR REVIEW ONLY

NORTH CAROLINA PROFESSIONAL SEAL 23313 ENGINEER JESSE E. GARDNER

SITE PLAN FOR:

RIVERSIDE STUMP DUMP
MILLS RIVER SITE

MILLS RIVER, NORTH CAROLINA

DATE: 03/17/14
DRAWN BY: MEG
CDC PROJECT NO.: 21407

SHEET

C1

STATE OF NORTH CAROLINA

SPECIAL USE PERMIT

COUNTY OF HENDERSON

SUP 01-14

IN THE MATTER OF THE APPLICATION OF
RIVERSIDE STUMP DUMP
TO THE TOWN COUNCIL OF
MILLS RIVER, NORTH CAROLINA
PERMIT AUTHORITY
ORDER GRANTING SPECIAL USE PERMIT

The Town Council of Mills River, North Carolina, having held a quasi-judicial public hearing on May 22, 2014 and July 10, 2014, to consider Application No. SUP-01-14 submitted by Ronnie Ray (owner of Riverside Stump Dump), and represented by Patrick Bradshaw (agent/CDC engineer for Riverside Stump Dump), for a special use permit to change the classification of their existing NCDENR Permit for the property, 6.87± acres of land located in Mills River, Henderson County, North Carolina, and further being described as PIN #9632602823, from NCDENR Notified Yard Waste Facility (YWN) to a Treatment and Processing Facility Permit, and having heard all of the evidence and arguments presented at the hearing, makes the following Findings of Fact and draws the following Conclusions:

FINDINGS OF FACT

1. The Applicant in this proceeding is Riverside Stump Dump, having its principal office at 620 Riverside Drive, Asheville, North Carolina and also doing business at the subject property (5055 Old Haywood Road/NC 191, Mills River, NC).

2. Applicant filed with the Town of Mills River a written application for a special use permit on March 25, 2014, because they are seeking to change the classification of their existing NCDENR YWN Permit to a Treatment and Processing Facility Permit. The tract is identified as PIN #9632602823, and has a total of 6.87 acres. All of the acreage in question is within the Mills River Mixed Use District, MR-MU.

3. The property is bounded by Old Haywood Rd/Hwy 191 on the northeast and Boylston Hwy/Hwy 280 on the southeast. The property to the north has a residence. There is adjacent farm land north and west and to the south the parcel is currently vacant. There is a stream that passes through the eastern portion of the site. There is an existing communication tower facility also located centrally within the property.

4. The property is currently owned by 229 Properties, Inc., and being leased by the applicant, Riverside Stump Dump.

5. The Applicant's current use on the subject property is as a common yard waste processing facility. The facility receives stumps and other woody wastes and processes for recycled products (mulch) and bio-

fuel. The existing business is operating with a valid state permit, North Carolina Division of Waste Management Composting and Land Application Branch's Notified Yard Waste Facility (YWN) Permit.

6. In order to change the NCDENR permit, the property must be reviewed for special use permit, according to the Ordinance. The Treatment and Processing Facility Permit will enable the facility to operate on more that two (2) acres and store more than 6,000 cubic yards of material quarterly.

7. According to the site plan and discussions with staff, 50' buffer requirements will be met along the property lines and a 100' buffer is delineated either side of the stream on site. These buffers exceed the current requirements. The buffers required by NCDENR restrict the storage area on site to approximately 2.4 acres of the total 6.87 acre tract.

8. The application and site plan submitted by Applicant, have been reviewed by the Zoning Enforcement Officer and she has determined that the proposed use as set forth in the application and the site plan as set forth in the application meets all of the requirements of Ordinance § 154.066 in terms of technical compliance.

9. As required by ordinance, the application, the site plan, and supporting material was submitted to the Planning Board of the Town for review as to technical merit and issuance by that Board of a recommendation. On April 1, 2014 the Planning Board voted to send a positive recommendation to Council, taking into consideration the buffer, the height of the materials, and that there be no additional processing; also, noting that the Applicant satisfy all policy issues, addressing the Mills River Fire Department concerns by coordinating together on the location of a Key Box, and ensuring that an evergreen landscape buffer is planted and maintained where there is existing adjacent residential use.

10. Notice of public hearing was posted and published as required by the Zoning Ordinance of the Town of Mills River.

11. A public hearing was held by the Town Council on May 22, 2014. This hearing was recessed and reconvened on July 10, 2014.

12. Council received into evidence the Staff Report prepared and tendered by Holly Padgett, Zoning Enforcement Officer, dated July 7, 2014, and has considered said report in its deliberations.

13. The use by Applicant will be continued in such a manner that it will not adversely affect the health and safety of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

14. Applicant's use will be continued in such a manner as to minimize the effects of noise, glare, dust, solar access and odor on those persons residing or working in the

neighborhood of the proposed use and the property and public improvements in the neighborhood.

15. Applicant's use will not be located and developed in such a manner as to seriously worsen the traffic congestion so as to endanger the public safety.

16. Applicant's use will be in such a manner as to comply with all applicable federal, state and local laws, rules and regulations.

17. Applicant's use will be continued in such a manner as to be consistent with any approved Official Thoroughfare Plans.

18. Applicant's use will be carried on in such a manner as to minimize the environmental impacts on the neighborhood including the following: groundwater, surface water, wetlands, endangered and threatened species, archeological sites, historical preservation sites and unique natural areas.

19. Council has reviewed the provisions of §154.066 and finds that Applicant has made adequate and acceptable provisions concerning the following:

(a) ingress and egress, particularly with reference to safety and traffic flow;
(b) provision of off-street parking and loading areas, where required;
(c) utilities with reference to locations, availability, and capability
(d) buffering, as shown on the site plan;
(e) open spaces, access ways and pedestrian ways; and
(f) buildings and structure.

CONCLUSIONS

BASED upon the foregoing Findings and Conclusions, the Council further concludes as follows:

1. The applicant will have satisfactory ingress and egress to property and proposed structures thereon.
2. The applicant has made provision for off-street parking and loading areas where required, and the economic, noise, glare and odor effects of the special use on adjoining properties in the area. Attention has been given to satisfactory ingress and egress to the subject property for automotive and emergency safety and convenience and traffic flow and control.
3. The applicant has shown utilities with reference to locations, availability and capability.
4. The applicant has shown buffering with reference to type, location and dimensions.
5. The applicant has shown playgrounds, open spaces, yards, access ways and pedestrian ways with reference to location, size and suitability.

6. The applicant has shown buildings and structures with reference to location, size and use.
7. Riverside Stump Dump is not located in such a manner as to adversely affect the health or safety of the persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.
8. That Riverside Stump Dump is located and developed in such a manner as to minimize the effects of noise, glare, dust, solar access and odor on those persons residing or working in the neighborhood of the proposed use and the property and public improvements in the neighborhood.
9. That Riverside Stump Dump is not located or developed in such a manner as to seriously worsen the traffic congestion so as to endanger the public safety.
10. That Riverside Stump Dump will be located and developed in such a manner as to comply with all applicable federal, state and local laws, rules and regulations.
11. The Town of Mills River does not have an Official Thoroughfare Plan relevant to the subject property.
12. That Riverside Stump Dump is located and developed in such a manner as to minimize the environmental impacts on the neighborhood including the following: groundwater, surface water, wetlands, endangered and threatened species, archeological sites, historical preservation sites and unique natural areas.

Based on the foregoing Findings of Fact and Conclusions drawn, and it appearing to the Town of Mills River Council that the application for a Special Use Permit, SUP-01-14, should be granted.

IT IS, THEREFORE, ORDERED by the Town of Mills River Council by a unanimous vote that the Application for Special Use Permit, SUP-01-14 to change the classification of their existing NCDENR Permit as described in the said Application, submitted by Riverside Stump Dump are granted.

ORDERED this the 10 th day of July, 2014,

The Town of Mills River

Larry Freeman, Mayor

Attest:

Susan L. Powell, Town Clerk

cc: Town of Mills River Zoning Administrator
Town of Mills River Planning Board

ACCEPTANCE BY APPLICANT

I, Clara W Ray, Applicant for Riverside Stump Dump, do hereby acknowledge receipt of this Special Use Permit. On behalf of Riverside Stump Dump, I further acknowledge that no work may be done pursuant to this Permit except in accordance with all of its conditions and requirements and that this restriction should be binding on Riverside Stump Dump and to its successors and assigns.

This the 25th day of July, 2014

Riverside Stump Dump

BY: Clara W Ray

July 25, 2014

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

PERSONALLY appeared before me this day, July 25, 2014, and after being by me duly sworn, says that she is the President of Riverside Stump Dump, the applicant which voluntarily executed the foregoing instrument; that the name of the applicant was voluntarily subscribed thereto by him for the purposes therein contained, the said Clara W. Ray and that he subscribed his name thereto, all by order of the Members of said Riverside Stump Dump, and that the said instrument is the act and deed of said applicant.

WITNESS:

SUSAN L. POWELL NOTARY PUBLIC HENDERSON COUNTY, N.C.

Susan L. Powell, Notary Public

My commission expires: 09-14-2018

§ 154.066 MR-MIXED USE DISTRICT.

The MR-Mixed Use District is established to allow all uses (excluding hazardous waste disposal facilities and radioactive waste disposal facilities and adult establishments) but to regulate certain uses so as to ensure that neighborhood impact is mitigated. The neighborhood impact from the uses listed below will be mitigated through the use of minimum specific site standards combined with general standards which provide the flexibility to impose a higher level of specific site standards dependent upon the degree of neighborhood impact.

(G) *Special uses.*

(1) The following special uses shall be permitted in the MR-Mixed Use District, subject to the Mills River Town Council finding that both the general site standards stated in § 154.138 and those specific site standards listed in § 154.087, if any, will be met:

(j) Chip mills.

(2) It is expressly acknowledged that the above-referenced uses will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood as long as the site standards as specified in § 154.087 and the general site standards as specified in § 154.138(D) are met.

(J) *Subsequent events.* Events occurring subsequent to the date of an application for a special use permit for those uses in the MR-Mixed Use District requiring the permit, including but not limited to the location of a health-care facility or school within the stated separation or a change in the residential density, shall not operate to invalidate the permit or affect the ability of the use to alter or expand its facilities or operations. In addition, development occurring around a preexisting use or a use for which a special use permit was not required when established will not affect the ability of the use to alter or expand its facilities or operations.

(K) *Dimensional requirements - nonresidential.* Within the MR-Mixed Use District, as shown on the Zoning Map of the Town of Mills River, the following dimensional requirements shall be met:

(1) Maximum building size: 15,000 square feet. Public Schools as defined in § 154.007(B) are exempt from this provision for building side maximum.

(2) Maximum building height: 40 feet.

(3) Minimum front yard setback from major street: 75 feet. [2]

(4) Minimum front yard setback from all other streets: 60 feet.

(5) Minimum rear and side yard setback: 30 feet.

(L) *Buffer/screening requirements.*

(1) Whenever any non-residential MR-Mixed Use rear and/or side property line abuts upon a residential use with no intervening street or highway or natural buffer, any buildings or parking area used for non-residential shall be screened with a buffer strip along the property line(s) as defined in § 154.007(B).

(2) In all other cases, uses in the MR-Mixed Use District shall comply with applicable landscaping and screening requirements in the Town of Mills River Landscape Ordinance.

Ord. passed 3-1-2004; Am. Ord. 00013, passed 7-29-2004; Am. Ord. passed 10-13-2005; Am. Ord. 00038, passed 11-21-2006; Am. Ord. 00066, passed 4-28-2011; Am. Ord. 00080, passed 5-23-2013)

July 21, 2014

Mr. Clyde Ray
Riverside Stump Dump, Inc.
796 Riverside Dr.
Asheville, N.C. 28801

Dear Mr. Ray,

This letter is to confirm that your business located at the intersection of Boylston Highway and Old Haywood Road is located in the Town of Mills River and response to fire related calls is by the Mills River Fire Department. The road to access the lot area is sufficient and is accessible by our apparatus. I hope that this statement is sufficient for your request. If you need further, please let me know.

Sincerely,
Rick Livingston
Fire Chief
Mills River Fire & Rescue
121 Schoolhouse Rd.
Mills River, N.C. 28759
828-891-7959
chief@mrfd.org

Landowner's Authorization to Operate a Yard Waste Facility Site

North Carolina Department of Environment and Natural Resources
Division of Waste Management - Solid Waste Section
401 Oberlin Rd, Ste. 150, Raleigh, NC 27605

I, 229 Properties Inc (name of property owner) hereby certify that I am the owner of three acres of land located 5054 Old Haywood Road, Mills River, N.C. and identified by 99-54102 (book and page of recorded deed or tax map parcel) and that I agree to allow Riverside Stump Dump Inc. to use said land for a Yard Waste Facility for a period of 4 years (length of time), beginning June 1, 2015 (month, day and year). I understand and agree to maintain the restrictions on land use when the term of the Yard Waste Facility Notification expires. The above described property is owned solely by me, or jointly with William L. Gardo II and Lawrence A. Hogan, shareholders (names of all co-owners, or state none).

William L. Gardo II
William L. Gardo II

Signature(s)

Sworn to and subscribed before me this 29 day of MAY, 20 15.

Donalie A Kane
(Notary Public)

My Commission expires: Dec. 5, 2015

(OFFICIAL SEAL)

DONALIE A KANE
Notary Public
North Carolina
Henderson County

c:Compost/Compost-YW/YWLandownrAuth-2001

Certification by Land Owner (if different from Applicant):

I hereby certify that I have read and understand the application submitted by **Riverside Stump Dump** for a permit to operate a **treatment and processing (T&P) facility** on land owned by the undersigned located at **5055 Old Haywood Road, Mills River, NC**, in Henderson County, and described in **Deed book 926, page 584**.

I specifically grant permission for the T&P facility planned for operation within the confines of the land, as indicated in the permit application. I understand that any permit will be issued in the names of both the operator and the owner of the facility/property. I acknowledge that ownership of land on which a solid waste management facility is located may subject me to cleanup of said property in the event that the operator defaults as well as to liability under the federal Comprehensive Environmental Responsibility, Compensation and Liability Act ("CERCLA"). Without accepting any fault or liability, I recognize that ownership of land on which a solid waste management facility is located may subject me to claims from persons who may be harmed in their persons or property caused by the solid waste management facility.

I am informed that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars ($15,000) per day per each violation of the Solid Waste Management Rules. I understand that the Solid Waste Management Rules may be revised or amended in the future, and that the siting and operation of the facility will be required to comply with any such revisions or amendments.

William L. Gardo II
Signature

5-29-15
Date

William L. Gardo II
Print name

Share holder - 229 Properties Inc.
Title and business/organization name

NORTH CAROLINA

Henderson County

I, Donalie A. Kane, Notary Public for said County and State, do hereby certify that William L. Gardo, II personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 29 day of May, 2015

(Official Seal)

Donalie A Kane
Notary Public

DONALIE A KANE
Notary Public
North Carolina
Henderson County

My commission expires Dec. 5, 2015.

Wilson, Donna

From: Wilson, Donna
Sent: Tuesday, March 17, 2015 10:21 AM
To: Jesse Gardner (jgardner@civildesignconcepts.com)
Subject: Riverside Stump Dump, permit application for Mills River
Attachments: Riverside Stump Dump Certification by Land Owner.docx

From: Wilson, Donna
Sent: Tuesday, March 17, 2015 10:08 AM
To: Clara Ray (stumpdump123@yahoo.com); Jesse Gardner (j.gardner@civildesignconcepts.com)
Cc: Andrea Keller (andrea.keller@ncdenr.gov)
Subject: Riverside Stump Dump, permit application for Mills River

Hello Jesse,

I've completed review of the application for a T&P (treatment & processing) facility for the Riverside Stump Dump in Mills River. Please address the following questions and comments to complete the application:

1. Application should state distance to the nearest house and offsite commercial or public buildings, from the actual T&P area.
2. Application should state whether there are any wells within 100 feet of the T&P area.
3. Please provide the letter from the Mills River Fire Official, that states they are aware of the facility and will be able to respond in the event of a fire.
4. Please provide the landowner certification page, see attached. Also provide contact information, including address, phone, and email address.
5. Provide a copy of the land deed.
6. Application should state that a sign will be maintained at the site entrance providing information on the types of acceptable waste, the permit number, and emergency phone numbers.
7. Provide plan for fire prevention and actions to be taken in the event of an accidental fire. It should be stated that access will be provided around all piles to allow firefighting equipment access in the event of a fire. What is the spacing between piles?
8. What is the capacity of the site, incoming materials per year?
9. Describe plan for site safety procedures concerning onsite equipment (especially grinders), safety during unloading and loading of materials, and safety to address other possible site hazards to workers or the public. Describe where the grinder is operated onsite. It should be sufficient distance from offsite sensitive areas.
10. Provide a map or sketch that shows the location of the three sorting piles. From drawing C1, I can't tell which areas are preprocessed and which are processed.
11. Where are the windrows located onsite? It is stated that windrows will be oriented east-west, but to prevent ponding of water the rows should be oriented along the slope.
12. Address operation of the site to prevent ponding of water on top of the mulch.
13. Page 5, under Control Measures, states that runoff is directed into drainage features, and that silt fences are used. Where are these features and silt fences located? What measures are taken to prevent dark discolored water from entering surface water, and to prevent washout of material into the stream? Are there any stormwater diversion measures upslope of the operation to divert surface water from higher elevations from flowing through the mulch? The setback to the onsite stream can be 50 feet instead of 100 feet.
14. Operation should state that all stockpiles, processed and unprocessed, will be no larger than 50 feet wide and 30 feet high, unlimited length within boundaries.
15. The site has had areas that contain a mulch pad thicker than 18 inches, other than the storage area described in the application. What is the plan to reduce the mulch pad thickness in these areas to maximum 18 inches?

16. Thick pad storage – What is the size of each area? Is there a separation between each area? How will it be monitored to prevent high temperatures that could lead to spontaneous combustion? How long will be materials be stored?
17. Boundary markers are needed in areas where the operation has encroached within the required 50 foot setbacks to the property line and to the stream. Describe placement and maintenance.
18. Describe closure procedures for the site, if the operation should close or become inactive. Plan should indicate that all materials will be removed from the site.

Responses to comments should be incorporated into the text of the application. Please provide a revised application (pdf), that notes the revision date. Drawings and appendices that have not changed do not need to be submitted again.

If you have any questions or comments, please do not hesitate to contact me.
Thanks, Donna

Donna J. Wilson
Environmental Engineer
Solid Waste Section/Division of Waste Management/NC DENR
Phone 919-707-8255
Email - donna.wilson@ncdenr.gov
Section webpage - http://portal.ncdenr.org/web/wm/sw

Office address - 217 W. Jones St, Raleigh NC 27603
Mailing and delivery address - 1646 Mail Service Center, Raleigh NC 27699-1646

E-mail correspondence to and from this address may be subject to the
North Carolina Public Records Law and may be disclosed to third parties.

CIVIL DESIGN CONCEPTS, PA

RECEIVED
JUN 23 2015
SOLID WASTE SECTION

June 12, 2015

Andrea Keller
Environmental Engineer
Solid Waste Section/Division of Waste Management
217 W. Jones Street
Raleigh, NC 27603

Re: Riverside Stump Dump- Mills River Site
CDC #21407

Dear Ms. Keller,

On behalf of the owner, Riverside Stump Dump, Inc., we are pleased to submit a revised Treatment and Processing Permit Application Package for your review and approval. Please find the responses to Ms. Donna Wilson's comments below.

1. Distance to nearest residential and commercial sites have been noted at the end of the second paragraph in the Report for Permit Application.
2. Distance to nearest well has been noted at the end of the second paragraph in the Report for Permit Application.
3. The letter from Rick Livingston has been included with this submittal.
4. The landowner certification page has been included with this submittal. Contact information has been included as well.
5. The Deed for the property is included as recorded at Henderson County B926, P584.
6. A note stating that a sign will be posted at the entrance is located midway into the third paragraph in the Report for Permit Application.
7. To prevent fire, material is regularly turned to regulate temperature. A water truck is available when needed. Mills River Fire Department has been provided access for after hour emergencies and has use of our equipment if needed. Contact number has been provided to them for emergency contacts. Access will be provided around all piles to allow firefighting equipment in the event of a fire. Spacing between piles will be at 10'.
8. The capacity of the site is still being discussed between operator and NCDENR. Please notify the operator of the desired capacity limits
9. Safety Plan: See attached documents that speak to the site safety procedures concerning onsite equipment. Riverside Stump Dump, Inc. is in compliance with NC Department of Labor and OSHA regulations. The grinder is moved around the yard depending on what material is being ground. Grinder is always a sufficient distance from offsite sensitive areas.
10. Plan Sheet C1 has been updated to include the location of the sorting piles.

Mailing Address: P.O. Box 5432, Asheville, NC 28813
168 Patton Avenue Asheville, NC 28801
Phone 828-252-5388 Fax 828-252-5365
52 Walnut Street – Suite 9, Waynesville, NC 28786
Phone: 828-452-4410 Fax: 828-456-5455

11. Windrows are to be oriented along the slopes to prevent ponding of water and will be generally in a Northwest to Southeast orientation.
12. Mulch is absorbent of water by nature. The mulch piles will be placed to allow proper sheet flow of stormwater away from ponding conditions. Personnel of the facility will monitor the yard for any collection of runoff and ensure proper and safe drainage away from mulch piles.
13. Silt fence installed upslope and rip rap in ditch lines prior to any drainage features. All are located on the left side of the roadway (NC 280) entrance. Silt fence with a couple of silt fence outlets could be installed along the 50' stream buffer to limit site runoff from entering stream prior to infiltration.
14. A note stating the stockpile dimensions has been added to the end of the third paragraph in the Report for Permit Application, the third item in the Operation and Maintenance Plane and in the Storage of Materials section of the Operation and Maintenance Plan.
15. The operation would haul boiler fuel off as necessary to limit thickness of pad.
16. A 150' x 150' pad with no separation is proposed. The area is monitored daily for high temperatures. Depending on the moisture content, color of material and sales rate the time stored varies.
17. Flagging and stakes are to be installed and maintained to delineate the 50 foot setback to property line and to the stream.
18. Closure would include stopping incoming material, haul mulch off for boiler fuel and sell to the public until all material were removed from the site.

If you should have any questions or comments regarding this submittal, please do not hesitate to call.

Sincerely,

Warren M. Sugg, PE
Civil Design Concepts, P.A.

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Mailing Address: P.O. Box 5432, Asheville, NC 28813
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