

Permit No.	Date	DIN
7407-CDLF-2001	June 28, 2016	26356

FRANCHISE RENEWAL AMENDMENT #1

For: A Construction and Demolition Landfill

**Granted By: Pitt County Board of Commissioners
1717 West Fifth Street
Greenville, North Carolina 27834**

**Granted To: C & D Landfill, Inc.
802 Recycling Lane
Greenville, North Carolina 2834
Contact: Judson Whitehurst, President**



Original Franchise Date: December 18, 2000

Renewal Franchise Date: February 3, 2003

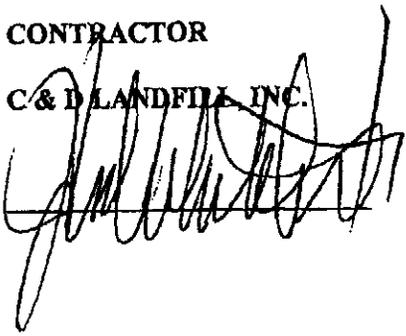
Amendment #1 Date: August 4, 2008

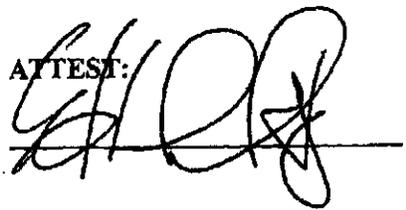
The following terms of the Franchise are hereby modified:

1. The service area is changed from an area up to 50 miles in radius from the center of the waste area to an area up to 100 miles in radius from the center of the waste area. This extension of radius will include counties not specified in the Franchise Renewal.
2. The applicant is granted the authority to receive up to 300 tons of waste per calendar day rather than the 200 tons of waste per calendar day specified in the Franchise Renewal.

The Franchise for C & D Landfill, Inc., is hereby amended to reflect the above changes. This Amendment #1 to the Franchise does not change any of the other requirements of the Franchise not directly set out in this Amendment.

**CONTRACTOR
C & D LANDFILL, INC.**

BY: 

ATTEST: 

CORPORATE SEAL

PITT COUNTY

BY:

Mark W. Owens, Jr.
Mark W. Owens, Jr., Chairman
Pitt County Board of Commissioners

ATTEST:

Patricia Staton

Patricia Staton
Clerk to the Board

COUNTY SEAL



APPROVED
Pitt County Legal Department

Date:

9/29/08

By:

Janne Burdoyff
Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

MBS
Finance Officer

FRANCHISE RENEWAL

FOR: A Construction and Demolition Debris Landfill

GRANTED BY: Pitt County Board of Commissioners
1717 West Fifth Street
Greenville, North Carolina 27834
Contact: Phil Dickerson
Deputy County Manager/Public Services

GRANTED TO: C & D Landfill, Inc.
802 Recycling Lane
Greenville, North Carolina 27834
Contact: Judson Whitehurst, President

TERM OF FRANCHISE: The renewal term of this Franchise shall be one (1) year from the date of granting of the Franchise Renewal. The Franchise may renew and extend for seven (7) subsequent one (1) year terms, contingent upon County Commissioner or approval pursuant to G. S. §153A-46. The Board of Commissioners may, at its sole option, require that the Franchisee meet additional terms and conditions in order to secure the renewal of the Franchise at the end of any one year term.

POPULATION AND AREA TO BE SERVED: The Site is located on US264 near the Pitt County/Beaufort County line. It is expected that the site will serve an area up to 50 miles in radius from the center of the waste area. This area will include all or portions of Pitt, Beaufort, Pamlico, Craven, Lenoir, Greene, Jones, Wayne, Wilson, Nash, Edgecombe, Halifax, Northampton, Bertie, Martin, Chowan, Washington, Tyrrell and Hyde Counties.

TYPE, QUANTITY AND SOURCE OF WASTE: Construction of new commercial and residential projects will be the main source of waste. Typical components of the waste stream are gypsum board, lumber, shingles, paper products, plastics and other miscellaneous materials. The most likely average daily rate is 50 tons per day. The Applicant is granted the authority to receive up to 200 tons per calendar day in order to accommodate future growth or other natural disasters such as Hurricane Floyd.

ANTICIPATED LIFE OF SITE: On the next page is a table of calculations of the potential useful life of the site. The useful life is based on the estimated tonnage per year arriving at the facility. It is estimated the proposed facility will have a useful life of approximately 20 years.

Annual Growth	Daily Tonnage		
	50	100	200
0%	25 years	13 years	7 years
2%	21 years	11 years	6 years
5%	17 years	9 years	5.5 years
10%	13 years	8 years	5 years

DESCRIPTION OF SITE: Beginning at North Carolina Geodetic Survey Monument "BEACHUM-1979" with NAD '83 state plane coordinates NORTHING 209415.130 meters EASTING 774558.210 meters proceed on a magnetic bearing (July 22, 2000) SOUTH 28 degrees 46 minutes 00 seconds WEST 467.22 ft. to an existing iron stake, thence SOUTH 68 degrees 17 minutes 21 seconds WEST 1317.66 ft. to an existing iron pipe, thence SOUTH 24 degrees 28 minutes, 54 seconds, WEST 870.40 ft. to an existing iron pipe, thence SOUTH 19 degrees 17 minutes 19 seconds WEST 620.11 ft. to an existing iron pipe in the center of an abandoned railroad bed, thence SOUTH 21 degrees 50 minutes 42 seconds WEST 700.25 ft. to an existing iron pipe and being the TRUE POINT OF BEGINNING.

Thence from the TRUE POINT OF BEGINNING the following courses and distances:
 SOUTH 44 degrees 44 minutes 42 seconds EAST 677.72 ft. to an existing iron pipe, thence SOUTH 15 degrees 30 minutes 38 seconds EAST 495.60 ft. to an existing iron pipe, thence SOUTH 66 degrees 08 minutes 47 seconds WEST 1182.37 ft. to an existing iron pipe, a corner with Davenport Farms DEED BOOK K-37 PAGE 157, thence NORTH 01 degrees 05 minutes 14 seconds WEST 122.65 ft. to an existing iron pipe, thence NORTH 33 degrees 05 minutes 14 seconds WEST 1312.98 ft. to an existing railroad iron on the south bank of WOLF PITT BRANCH, thence along the branch NORTH 27 degrees 36 minutes 05 seconds EAST 51.55 ft. (no point set) to the center line intersection of WOLF PITT BRANCH and a CANAL HEADING NORTH, thence along the centerline of the canal NORTH 04 degrees 28 minutes 05 seconds WEST 62.82 ft. (no point set), thence NORTH 19 degrees 30 minutes 45 seconds EAST 26.17 ft. (no point set), thence NORTH 36 degrees 34 minutes 19 seconds WEST 81.04 ft. (no point set), thence NORTH 37 degrees 17 minutes 08 seconds WEST 154.38 ft. to a set iron pipe in the centerline of the canal, thence leaving the canal SOUTH 82 degrees 23 minutes 10 seconds EAST 723.01 ft. (no point set), thence NORTH 54 degrees 18 minutes 09 seconds EAST 414.81 ft. (no point set), thence SOUTH 44 degrees 44 minutes 42 seconds EAST 210.00 ft. (no point set), thence SOUTH 44 degrees 44 minutes 42 seconds EAST 146.84 ft. back to THE TRUE POINT OF BEGINNINGS and having and containing 40.14 acres by the coordinate method.

CONDITIONS: The conditions upon which the Franchise renewal is granted are the following:

1. The franchisee shall cause any public road leading to the landfill to be cleared of debris at least twice per month for a distance of two miles on both sides of the landfill

entrance onto the public road.

2. The franchisee shall require that all trucks transporting debris be adequately covered or secured to prevent the spillage of debris.
3. The franchisee shall pay to the Pitt County Solid Waste Enterprise Fund a certain sum to be set each year in the fee schedules approved by the Board of County Commissioners for every ton of debris taken into the landfill. These funds shall be utilized by the County to insure that the landfill operates in accordance with all Federal, State, and local regulations and the franchise.
4. The franchisee shall comply with all fire prevention regulations and sedimentation and erosion control regulations.
5. The franchisee shall provide dust control measures that will not allow dust to leave his property.
6. The franchisee hereby gives the County the right to seek up to \$500 per calendar day in damages, for violation of the franchise agreement.

Beth Ward
 Beth Ward, Chairman

ATTEST:

Susan J. Banks
 Susan J. Banks, CMC
 Clerk to the Board

APPROVED
 Pitt County Legal Department
 Date 2/26/03
 By *[Signature]*
 Attorney



"This instrument has been provided in the manner required by the Local Government Budget and Fiscal Control Act."
[Signature]
 Finance Officer

**FRANCHISE ORDINANCE FOR
CONSTRUCTION DEBRIS LANDFILLS
COUNTY OF PITT
NORTH CAROLINA**

WHEREAS, G.S. §153A-136 provides that a county may grant a franchise to one or more persons for the disposal of solid wastes in a county; and,

WHEREAS, G.S. §130A-294 requires any applicant for a sanitary landfill permit, prior to applying for such permit from the State of North Carolina, to obtain from each local government having jurisdiction over any part of the proposed sanitary landfill a franchise for operation of same; and,

WHEREAS, construction debris (C&D) landfills, defined as facilities for the disposal of solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but not including inert debris, land-clearing debris or yard debris, are classified by the North Carolina Department of Environment, Health & Natural Resources as sanitary landfills; and,

WHEREAS, operational issues regarding C&D landfills are controlled by the provisions of the Rules of the North Carolina Department of Environment, Health & Natural Resources; and,

WHEREAS, because of the rapid building and development in Pitt County, there is a continual need for C&D landfills in the County; and;

WHEREAS, G.S. §130A-294 requires that certain information be contained in every franchise granted for a sanitary landfill.

NOW THEREFORE IT BE ORDAINED,

Section 1. For purposes of this ordinance a construction debris (C&D) landfill is defined as a facility for the disposal of solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but not including inert debris, land-clearing debris or yard debris.

Section 2. Every operator of a C&D landfill in Pitt County must obtain a franchise from the Pitt County Board of Commissioners. A franchise shall be issued upon the presentation of the following information to the County:

1. The name and address of the applicant and owner of the proposed site.
2. The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of and assumed name certificate stating such name or articles of incorporation stating such name.

3. A legal description and a map of the property proposed to be included in the C&D landfill;
4. A statement of the population to be served by the C&D landfill, including a description of the geographic area;
5. A description of the volume and characteristics of the waste stream;
6. A projection of the useful life of the C&D landfill; and
7. Evidence that the site has been approved by the Pitt County Board of Commissioners.

Section 3. Upon issuance, the franchise document shall contain a statement of the population to be served by the C&D landfill, including a description of the geographic area; a description of the volume and characteristics of the waste stream; and a projection of the useful life of the C&D landfill.

Section 4. The Board of County Commissioners, pursuant to G.S. § 130A-294, may hold a public hearing for the purpose of notifying the public of the intent to issue a franchise for a C&D landfill if the board determines that sufficient public interest exists in the proposed C&D landfill to warrant a public hearing. If the Board, in its sole discretion, determines that a public hearing should be held, the county shall schedule a time and place for said hearing.

A notice of such hearing shall be, at the expense of the applicant, published at least once in a newspaper of general circulation not less than thirty (30) days prior to the date established for the hearing. Notice of the hearing must also be posted on the property, at a place visible to all public roads adjacent to the proposed site. The notice shall be reasonably calculated to inform the public of the location, date, time and purpose of the hearing. The applicant shall provide an affidavit to the County not less than ten (10) days before the date of the hearing that the required notice has been posted.

The conditions upon which a franchise is granted shall be the following:

1. The franchisee shall cause any public road leading to the landfill to be cleared of debris at least twice per month for a distance of two miles on both sides of the landfill entrance onto the public road.
2. The franchisee shall require that all trucks transporting debris be adequately covered or secured to prevent the spillage of debris.
3. The franchisee shall pay to the Pitt County Solid Waste Enterprise Fund a certain sum to be set each year in the fee schedules approved by the Board of County Commissioners for every ton of debris taken into the landfill. These funds shall be utilized by the County to insure that the

landfill operates in accordance with all Federal, State and local regulations and the franchise.

- 4. The franchisee shall comply with all fire prevention regulations and sedimentation and erosion control regulations.
- 5. The franchisee shall provide dust control measures that will not allow dust to leave his property.
- 6. The franchisee hereby gives the County the right to seek up to \$500 per calendar day in damages, for violation of the franchise agreement.

This ordinance shall be effective upon enactment and shall apply to all C&D landfills that have been issued a site approval by Pitt County.

Charles P. Gascons
 Charles P. Gascons, Chairman

ATTEST:

Susan J. Banks
 Susan J. Banks, CMC
 Clerk to the Board

