

Permit No.	Date	Document ID No.
P1303	August 22, 2016,	26704

Received by a mail
Date: August 29, 2016
Solid Waste Section
Raleigh Central Office



August 22, 2016

Mr. Ming-Tai Chao, P.E.
NCDEQ – Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

**Re: Permit Application Comment Response #3
Everett’s Land Clearing and Inert Debris (LCID) Pit
Lenoir County, North Carolina
Location No. P1303, Document ID No. (DIN) 25941**

Dear Mr. Chao:

On behalf of Lynn Everett and Everett’s Lot Clearing and Grading, Inc., please find these responses to your comments dated July 11, 2016 provided in **bold**. The erosion control permit is still being reviewed and approved by the Washington Regional Office.

1. (Application Signature Page) Please provide additional or correct info stated below
 - i. After completing the initial review of the company registration, the SWS Compliance Office concluded that Everett’s Clearing and Grading, Inc. was not registered with the NC Secretary of State. Please have the registration completed according to the June 02, 2016 e-mail message sending to Ms. Mary Ann.
Response: Everett’s Clearing and Grading has been corrected to Everett’s Lot Clearing and Grading Inc. on the application and subsequent documentation.
 - ii. According to the conversations during site visit dated May 10, 2016, Mr. Everett wants to be the permit holder, both Permit Operator and Land Owner. Therefore, on the Application Signature Page please use the legal name, Henry Leon Everett, Jr. as shown the property deed (Deed Book 1644 pages 203-206, Lenoir County Register of Deeds). On the Application Signature Page, the business or organization name must be the same as the one registered with the NC Secretary of State.
Response: Noted. Signatures provided.
2. (Operations Plan Section 1 Waste Disposal Plan, Item (q)) Please provide the fire department contact info which is consistent with the info shown on the June 27, 2016 letter issued by the North Lenoir Fire & Rescue.
Response: Noted. Updated OP 1q.
3. According to the previously submitted application (DIN 25880) dated March 2016 including Report of Seasonal High Water Table Evaluation dated April 5, 2011, the estimated seasonal high water table underneath the proposed landfill site was approximately 81 feet above mean sea level (amsl). Based on this conclusion the

elevation of the landfill base was proposed at the elevation of 85 feet amsl to meet the vertical buffer requirement according to 15A NCAC 13B .0564(8)(d). However, the new figure - Drawing No. LCID-3 shows the groundwater elevations are 77 feet and 79.8 feet amsl in LCID Nos.1 & 2, respectively. Why the field the data concluded from the 2011 report is not be credited? Please provide new evidence, theory, and calculation to demonstrate the new groundwater elevations underneath the proposed landfill are acceptable. Please also be advised that even if the existing water inside the proposed landfill site (old mining pit) is pumped to dry, the existing grades shown the Drawing Nos. LCID-2 and LCID 3 can't be defined as the Seasonal High Water Table without the conclusion made by a new subsurface soil investigation.

Response: Yes without another soils report, the elevations cannot be lowered based on the probable existing conditions and I restate my basis for using the existing water levels. The existing report used the pre-excavation soil indicators for high groundwater levels. The ponding of water within the pit represents the current levels of groundwater and these current levels are dependent on rainfall more than soil indicators. Therefore, the bottom of the pit would have to be filled-in by 4-5-ft in most areas. Current water levels indicate the base conditions and they have been corrected to elevation 81.0' (NAVD 88).

4. (Drawing No. LCID-3, LCID No. 1 Cross-Section) The landfill (around Station 0+50) is immediately adjacent to the Stormwater Holding Area. Please address the concerns below [Solid waste shall not be disposed in water -Rule 15A NCAC 13B .0566(11)]:

i. Should there be an installed engineering device (an earthen dike or fence) along the waste boundary to prevent waste from rolling into Stormwater Holding Area while conducting the waste disposal activities?

Response: After further investigation and in discussions with the applicant, it was concluded to remove this portion of the landfill to avoid potential slope failures into the stormwater area. See revised maps.

ii. Please conduct engineering calculations (bearing capacity and/or slope stability analysis) to confirm that (a) the foundation soil underneath the landfill - LCID No.1 can safely support the maximum waste load of landfill without failure. (b) the maximum side slope and set-back distance from the edge of the Stormwater Holding Area (between Stations 0+30 to 0+40) shall be constructed so that a slope of the Stormwater Holding Area can safely stand under the maximum waste load disposed by it. The designed slope and set-back distance must be noted on the Drawing No. LCID-3.

Response: See response above.

iii. The proposed maximum top elevation of the LCID- No. 1 is 90 feet amsl with 2% positive slope for settlement and surface drainage as shown on Drawing No. LCID-3 and the proposed fill elevations are not consistent with contours shown on Drawing No. LCID-2. Please clarify.

Response: The cross-section has been updated to match the planned landfill contours.

5. Sequence of LCID Construction and Operations is described on Drawing No. LCID-3, but the operation(s) of dewatering the existing water ponding in the proposed landfill is not included. The June 24, 2016 Responses to Comment No. 25 are incomplete. Please respond comments 25i & 25ii in detail associated with dewatering the proposal landfill

site. **Response: The sequence list has been revised. See below and revised maps.**

25. *Plases address the following concerns of standing water in the proposed landfill unit/former mining area:*
- i. *As described in the SHWT Report Evaluation, standing water was in the proposed landfill unit/former mining area. What is estimated amount of water to be removed at each landfill phase? **Response: Approximately 4.30 acres of water surface area will be drained through the use of the 1,000 GPM pump. Since there is only one phase of constructing the landfill, the dewatering will occur only a single time prior to the 4-ft of fill separation.***
 - ii. *Please provide the dewatering plan. If the water will be pumped to the nearby waterbody, the applicable discharge permit must be provided in the permit application. If the water is planning to drain to the proposed stormwater detention area/pond as shown Drawing No. LCID-2, please describe the dewatering processes, the capacity of the stormwater area and BMPs which shall be approved by NC LQS. **Response: No offsite discharges will occur in this permit. If in the future, they decide to pump offsite, a dewatering permit will be obtained prior as well as approval with the Division of Solid Waste. The dewatering will occur until it is complete, and the capacity of the holding area (existing pond area) has been shown on the maps and in the last submittal. The coir fiber baffles will be the only sedimentation filter necessary. The remaining saturated soil will be dried per the specifications on the map prior to backfill.***
 - iii. *Please describe construction sequences (such as removing of slough material, spreading and compacting suitable earthen material by layers, final grading for drain), BMPs for dewatering & pumping operation, and applicable specifications to properly construct/backfill the proposed landfill base for each of the three phases. **Response: The landfill subbase material has been specified on Note 8. of the sequence list. Here it is as written, *Continue backfilling to elevation 85.0-ft (NAVD 88) with clean soils with organics less than 2%, 40-60% passing the no. 200 sieve with plasticity index less than 20%; and liquid limit of less than 50%; free of rock or gravel larger than 2-inches in any dimension, roots, debris, waste, frozen materials, vegetation, and other deleterious matter unless otherwise approved by a geotechnical engineer. These soils will be placed in 8-inch lifts for heavy compaction equipment and in 4-inch lifts for hand compaction. Maximum dry density shall be not less than 95% in accordance with ASTM D 698.****
6. Please provide additional information to the Operations Plan and/or drawings:
- i. Which phase of the landfill - the LCID No. 1 or LCID No. 2 be constructed first?
Response: There are no longer two separate landfills on site, so after the 4-ft of separation fill has been placed, the facility will backfill the waste.
 - ii. Note the initial waste disposal area at each of the two landfill phases - LCID No.1

and LCID No.2, respectively. **Response: There are no longer two separate landfills on site, so after the 4-ft of separation fill has been placed, the facility will backfill the waste. The initial landfill deposits would cover about 4.60 acres.**

iii. Provide descriptions of the stormwater segregation feature(s) or device (s) inside the constructed landfill area to separate the active cell and inactive cell. The features or devices may be relocated in the progressive waste disposal sequence of each landfill phase. To install the stormwater segregation feature(s) or device (s) is required to eliminate excessive amount leachate generated from the waste disposal operations, especially in the wet weather/season. **Response: Drainage measures have been proposed to properly drain the area. The applicant is well trained in erosion control and performance-based best management practices to counter any problems in the field. He said he will provide the means and methods to handle the wet weather problems if they are problematic.**

Sincerely,



J. Branch Smith, PE

Cc: Lynn and Mary Ann Everett

Encl: (1) Revised Application signature
(1) Revised O&M Plan
(1) Revised LCID Maps
(1) Closure of Mine Letter

Applicant Signature Page

Name of facility EVERETT'S LCID

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and that the information provided in this application is true, accurate, and complete to the best of my knowledge.

I understand that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars (\$15,000.00) per day per each violation of the Solid Waste Management Rules. I further understand that the Solid Waste Management Rules may be revised or amended in the future and that the facility siting and operations of this solid waste management facility will be required to comply with all such revisions or amendments.

Henry Leon Everett, Jr.
Signature

Henry Leon Everett, Jr.
Print Name

8-19-16
Date

PROPERTY OWNER, VP OF APPLICANT
Title

EVERETT'S LOT CLEARING AND GRADING, INC.
Business or organization name

OPERATIONS PLAN
LAND CLEARING AND INERT DEBRIS LANDFILL

EVERETT'S LCID PIT
SOLID WASTE PERMIT # _____
ALDRIDGE STORE RD
LENOIR COUNTY, NORTH CAROLINA

Date:

August 19, 2016

Prepared for:

EVERETT'S LOT CLEARING AND GRADING, INC.
2402 FRED EVERETT ROAD
KINSTON, NC 28504
(252) 522-5260

Prepared by:

J. BRANCH SMITH, PE
P.O. BOX 15044
WILMINGTON, NC 28408
(910) 264-1071

LCID OPERATIONS PLAN ADOPTION

EVERETT'S LOT CLEARING AND GRADING, INC.

2402 FRED EVERETT ROAD
KINSTON, NC 28504
(252) 522-5260

This Operations Plan has been reviewed by the management of Everett's Clearing and Grading, Inc. and we hereby adopt this plan into the daily operations of our facilities, mining pits, and waste permits located in and surrounding Lenoir County, North Carolina.



Lynn Everett, Owner/Operator

8-19-16

Date

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	LCID PERMIT #
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1 WASTE DISPOSAL PLAN

- (a) See LCID Maps for General Location.
- (b) The approved disposal materials shall be land clearing waste (stumps, green limbs, leaves, grass, soil, yard waste, etc.).
- (c) Per 15A NCAC 13B .0101(22), means a facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.
- (d) The disposal of any material other than those listed above shall be prohibited (15A NCAC 13B.0563).
- (e) The estimated cubic yards of waste at this facility will be 4,000 cy/year. See LCID maps and permit.
- (f) Waste from any county in NC will be permitted but most likely only Lenoir, Wayne, Craven, Pitt, Greene, Duplin, Onslow, and Jones counties.
- (g) The equipment will be dump trucks and dozers mainly and excavators may be used to place fill dirt on occasion.
- (h) The facility is gated and locked daily.
- (i) The hours of operation are M-Sat. dusk till dawn but the facility is not active but a few times a week.
- (j) This facility is not open to the public but private use only.
- (k) Signs are located at the facility to describe the types of acceptable wastes, prohibited wastes, operating hours, permit number, and emergency contact numbers.
- (l) Haul roads will be maintained for all-weather access.
- (m) No temporary storage of unacceptable waste shall be stored onsite. Unacceptable wastes such as waste tires, appliances, construction and demolition waste, and household garage must not be disposed in the LCID Pit and hauled to the regulated landfill as listed below.
- (n) The closest regulated landfill that will take unacceptable waste for the LCID facility is located at:

*Lenoir County Solid Waste Landfill
2949 Hodges Farm Road
LaGrange, NC 28551
Phone: (252) 566-4194*

- (o) Open burning of solid waste is prohibited at the landfill property [Rule 15A NCAC 13B .0566(12)].
- (p) Fire Prevention and Response is covered by personnel training of Everett's Lot Clearing and Grading, Inc. Fires on the LCID site shall be reported to the local fire department. Water may be used onsite to fight fires, but the local emergency responders will be contacted to fight any fires. All equipment must contain working fire extinguishers.
- (q) The closest fire department is located at:

*North Lenoir Fire & Rescue
2147 Fred Everett Rd, Kinston, NC 28504
Phone: (252) 520-9250
Brian A. Wade, Fire Chief*
- (r) Fires and explosions that occur at the landfill require verbal *notice to the DWM within 24 hours and written notification within 15 days. Written notification must include the suspected cause of fire or explosion, the response taken to manage the incident, and the action(s) to be taken to prevent the future occurrence of fire or explosion.*

The FIRE OCCURRENCE NOTIFICATION FORM can be downloaded from the DWM web site (link is provided below) and appended to the Operations Plan <http://ncdenr.s3.amazonaws.com/s3fs-public/Waste%20Management/DWM/SW/Forms/FireOccurrenceReport.pdf> See form included herein.
- (s) The permit files, inspections, and drawings will be maintained at the main office of Everett's Lot Clearing and Grading located at 2402 Fred Everett Rd., Kinston, NC 28504.
- (t) The fill material will be excavated from onsite. A 1-ft soil cap will be installed on the LCID waste with a year of no activity on site.

- (u) Permanent markers that accurately identify the edge of the approved waste disposal boundary must be installed and properly maintained.
- (v) Pursuant to Rule 15A NCAC 13B .0566(4), adequate soil cover shall be applied over to cove the working face monthly or the active area reaches one (1) acre in size, whichever occurs first.
- (w) Closure of the facility will be in accordance, at a minimum, to Rule 15A NCAC 13B .0566(5) and notification made to the Solid Waste Section of NCDEQ. There is no projected use of the property at this time.

2 RESPONSIBLE PEOPLE FOR THE LCID FACILITY

Lynn Everett, VP and Landowner @ (252) 522-5260	Lynn@ecandg.com
Mary Ann Everett, President and Controller @ (252) 522-5260	Maryann@ecandg.com
Anthony Whaley, Project Manager @ (252) 522-5260	Anthony@ecandg.com

3 EROSION AND SEDIMENTATION CONTROL

- (a) The prevention of offsite sedimentation will be verified every week of operations.
- (b) The drainage area and surface water collected into the designated erosion control storage measures will be maintained to sufficient size and depth to accommodate the sediment-runoff.
- (c) The Erosion Control Permits will remain at the main office and Washington Regional DENR office.

4 **STORMWATER MANAGEMENT PLAN**

- (a) There is no State-permitted stormwater management permit necessary for this site. Stormwater Best Management Practices (BMP) for this facility are essentially the erosion control measures and details.
- (b) Receiving Waters on NC State 303(d) impaired waters list or located in a watershed established TMDL:

N/A - Falling Creek
303d Impaired Waters

303d Impaired Waters

- (c) The potential pollutants and total suspended solids that could be expected from these solid waste operations are dust and sediment-runoff, non-road and road grade diesel fuel, motor oil and lubricants, equipment lubricants and chemicals. Sediment-runoff results from exposed slopes, haul roads, stockpiles, wastepiles, and other land disturbing activities. Dust is typically generated from truck and excavator traffic along haul roads. Fertilizers and other chemicals would be used for land reclamation or seeding and could be washed from slopes and other disturbed areas. Equipment fuel and lubricants could spill or wash onto the ground during hauling, excavation, and dumping operations, and during maintenance or repair. There are multiple other chemicals and pollutants listed in the Materials Safety Data Sheet (MSDS) notebook in the construction field and main offices.
- (d) List of significant spills or leaks of pollutants that have occurred in the last 3 years and corrective action:

Significant Spills/Leaks

Date

Corrective Action _____ Date _____

Significant Spills/Leaks _____ Date _____

Corrective Action _____ Date _____

Significant Spills/Leaks _____ Date _____

Corrective Action _____ Date _____

5 SPILL PREVENTION AND RESPONSE PLAN (SPRP)

- (a) An Inventory of Potential Pollutant Sources for this LCID facility is found in the Materials Safety Data Sheet (MSDS) notebook in the main office. A MSDS sheet is found for all chemicals on site. Also, the same list is found in the Hazard Communication Program notebook in the office.

- (b) An oil Spill Prevention Control and Countermeasure Plan (SPCC) is not required by Federal regulations, specifically the Mining Health and Safety Administration (MHSA), although the spill prevention control and countermeasures are detailed for all chemicals and pollutants in the MSDS notebook in the office.

- (c) Everett's Lot Clearing and Grading, Inc. personnel responsible for implementing the SPRP are all employees and personnel trained to work in the LCID Pit operations on site.

- (d) Permanent Fuel storage is not planned for this facility and any temporary storage vessels shall be removed from the site daily.
- (e) Any and all containment structures for Bulk Storage of Liquid Materials per Section 313 of Title III of the Superfund Amendments & Reauthorization Act (SARA) are not located in a Special Flood Hazard Area Zone AE or any areas subject to flooding.
- (f) If any fuel or oil spill should occur, the usable fuel/oil within the containment structures shall be pumped into tanker trucks and transported to another storage facility. Oil absorbent material shall be available if it is necessary to use. The unusable fuel/oil and the contaminated soil in the area will be excavated and disposed of in accordance with State and/or Federal regulations.
- (g) All unloading of transport vehicles to fill fuel tanks will meet minimum requirements and regulations established by the U.S. Department of Transportation (US DOT) and MSHA. The tanks will be attended while filling to prevent overflow, and to note visible leaks from seams, gaskets, valves, etc. If spills are evident, the contaminated soil will be excavated and disposed to an approved landfill or contact the Division of Waste Management. If the spills continue, a paved unloading ramp equipped with an oil-water separator may need to be constructed.
- (h) If any other spills that involve equipment lubricants and chemicals occur, the spill shall be cleaned up, excavated and disposed to an approved landfill or contact the Division of Waste Management.
- (i) All personnel who are in any way connected with the pollutants listed above, or responsible for storm water drainage and spill cleanup will be made familiar with this plan, and a copy of this plan will be posted and readily available to all personnel at the main office and field offices.

6 PREVENTATIVE MAINTENANCE AND HOUSEKEEPING

- (a) Preventive Maintenance and Housekeeping related to health and safety of personnel and any environmental impacts is discussed and trained to all personnel working in the operations of Everett's LCID Pit. Mine personnel are expected to be responsible with the pollutants that they are involved with the most. An "Annual Refresher" is a training course by Everett's Lot Clearing and Grading every year that includes preventative maintenance, housekeeping, and MSDS. In addition, job-specific training is required for all new employees, which also includes preventative maintenance, housekeeping, and MSDS.

North Carolina Department of Environmental Quality

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

October 26, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7013 2630 0001 8990 3309

Mr. Lynn Everett
Everett's Lot Clearing and Grading
2402 Fred Everett Road
Kinston, North Carolina 28504

RE: Country E Mine
Permit No. 54-13
Lenoir County
Neuse River Basin

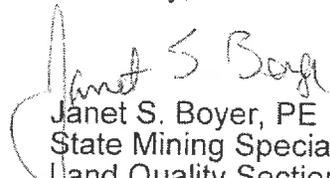
Dear Mr. Everett:

An inspection was made of the above mine on October 8, 2015 in accordance with G.S. 74-56 of the Mining Act of 1971.

The mine was found to be satisfactorily reclaimed. Therefore, your company is released from further reclamation responsibility for this site with respect to the Mining Act of 1971. I am returning your company's Irrevocable Standby Letter of Credit No. 1 issued by First Citizens Bank and Trust Company Bank in the sum of \$8,300.00 to you for your disposal.

Thank you for your cooperation in this matter.

Sincerely,


Janet S. Boyer, PE
State Mining Specialist
Land Quality Section

JSB/jw

Enclosure: Irrevocable Standby Letter of Credit No. 1

cc: Mr. Pat McClain, PE
Mr. William Gerringe-DOL, Mine and Quarry Bureau
Mr. Bradley Bennett - DWQ

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF LAND RESOURCES



September 29, 1998

JAMES B. HUNT JR.
GOVERNOR

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

WAYNE McDEVITT
SECRETARY

Mr. Lynn Everett
Everett's Lot Clearing and Grading
2402 Fred Everett Road
Kinston, North Carolina 28504

CHARLES H. GARDNER
P.G., P.E. DIRECTOR
AND STATE GEOLOGIST

RE: Permit No. 54-13
Country E Mine
Lenoir County
Neuse River Basin

Dear Mr. Everett:

Your application for renewal and modification of the above referenced mining permit has been approved. The modification is to change the company name from Everett's Landscaping Service to Everett's Lot Clearing and Grading and to reduce the buffer along the adjoining property lines and permit boundaries from 75 foot undisturbed to 25 foot undisturbed. A copy of the renewed and modified permit is enclosed.

The conditions in the renewed and modified permit were based primarily upon the initial application. Modifications were made as indicated by the renewal and modification requests and as required to insure compliance with The Mining Act of 1971. The new expiration date is September 29, 2008.

The issuance of a mining permit and/or any modification to it does not supersede local zoning regulations. The responsibility of compliance with any applicable zoning regulations lies with you.

As a reminder, your permitted acreage at this site is 18 acres and the amount of land you are allowed to disturb is 13.97 acres.

LAND QUALITY SECTION (919) 733-4574 FAX (919) 733-2876
GEOLOGICAL SURVEY SECTION (919) 733-2423 FAX (919) 733-0900

P.O. Box 27687, RALEIGH, NORTH CAROLINA 27611-7687 TELEPHONE (919) 733-3833 FAX (919) 715-8801
AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER - 50% RECYCLED/10% POST-CONSUMER PAPER

SE

Mr. Everett
September 29, 1998
Page Two

As we have received the new bond in an amount sufficient to cover this site, I am returning the \$5,000.00 Assignment of Savings Account previously held for this site and the \$3,300.00 Irrevocable Standby Letter of Credit that you recently submitted to this office for this site.

Please review the renewed and modified permit and advise this office at (919) 733-4574 should you have any questions concerning this matter.

Sincerely,



Tracy E. Davis, P.E.
State Mining Specialist
Land Quality Section

TED/jw

Enclosures

cc: Mr. Floyd Williams , P.G.
Ms. Barbara Rote-WRC, w/enclosures
Mr. Bradley Bennett-DWQ, w/enclosures

**DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
DIVISION OF LAND RESOURCES
LAND QUALITY SECTION**

P E R M I T

for the operation of a mining activity

In accordance with the provisions of G.S. 74-46 through 68, "The Mining Act of 1971," Mining Permit Rule 15A NCAC 5 B, and other applicable laws, rules and regulations

Permission is hereby granted to:

Everett's Lot Clearing and Grading

Country E Mine

Lenoir County - Permit No. 54-13

for the operation of a

Sand Mine

which shall provide that the usefulness, productivity and scenic values of all lands and waters affected by this mining operation will receive the greatest practical degree of protection and restoration.

MINING PERMIT EXPIRATION DATE: September 29, 2008

In accordance with the application for this mining permit, which is hereby approved by the Department of Environment and Natural Resources, hereinafter referred to as the Department, and in conformity with the approved Reclamation Plan attached to and incorporated as part of this permit, provisions must be made for the protection of the surrounding environment and for reclamation of the land and water affected by the permitted mining operation. This permit is expressly conditioned upon compliance with all the requirements of the approved Reclamation Plan. However, completed performance of the approved Reclamation Plan is a separable obligation, secured by the bond or other security on file with the Department, and may survive the expiration, revocation or suspension of this permit.

This permit is not transferable by the permittee with the following exception: If another operator succeeds to the interest of the permittee in the permitted mining operation, by virtue of a sale, lease, assignment or otherwise, the Department may release the permittee from the duties imposed upon him by the conditions of his permit and by the Mining Act with reference to the permitted operation, and transfer the permit to the successor operator, provided that both operators have complied with the requirements of the Mining Act and that the successor operator agrees to assume the duties of the permittee with reference to reclamation of the affected land and posts a suitable bond or other security.

In the event that the Department determines that the permittee or permittee's successor is not complying with the Reclamation Plan or other terms and conditions of this permit, or is failing to achieve the purposes and requirements of the Mining Act, the Department may give the operator written notice of its intent to modify, revoke or suspend the permit, or its intent to modify the Reclamation Plan as incorporated in the permit. The operator shall have right to a hearing at a designated time and place on any proposed modification, revocation or suspension by the Department. Alternatively and in addition to the above, the Department may institute other enforcement procedures authorized by law.

Definitions

Wherever used or referred to in this permit, unless the context clearly indicates otherwise, terms shall have the same meaning as supplied by the Mining Act, N.C.G.S. 74-49.

Modifications

September 29, 1998: This permit has been modified to change the company name from Everett's Landscaping Service to Everett's Lot Clearing and Grading and to reduce the buffer along the adjoining property lines and permit boundaries from 75 foot undisturbed to 25 foot undisturbed.

Expiration Date

This permit shall be effective from the date of its issuance until September 29, 2008.

Conditions

This permit shall be subject to the provisions of the Mining Act, N.C.G.S. 74-46, et. seq., and to the following conditions and limitations:

OPERATING CONDITIONS:

1. A. Any wastewater processing or mine dewatering shall be in accordance with the permitting requirements and rules promulgated by the N.C. Environmental Management Commission.
- B. Any stormwater runoff from the affected areas at the site shall be in accordance with any applicable permit requirements and regulations promulgated by the Environmental Protection Agency and enforced by the N.C. Environmental Management Commission. It shall be the permittee's responsibility to contact the Stormwater Section, Division of Water Quality, to secure any necessary stormwater permits or other approval documents.
2. A. Any mining process producing air contamination emissions shall be subject to the permitting requirements and rules promulgated by the N.C. Environmental Management Commission and enforced by the Division of Air Quality.
- B. During mining operations, water trucks or other means that may be necessary shall be utilized to prevent dust from leaving the permitted area.
3. A. Sufficient buffer shall be maintained between any affected land and any adjoining waterway or wetland to prevent sedimentation of that waterway or wetland from erosion of the affected land and to preserve the integrity of the natural watercourse or wetland.
- B. Any mining activity affecting waters of the State, waters of the U. S., or wetlands shall be in accordance with the requirements and regulations promulgated and enforced by the N. C. Environmental Management Commission.
4. A. Adequate mechanical barriers including but not limited to diversions, earthen dikes, silt check dams, silt retarding structures, rip rap pits, or ditches shall be provided in the initial stages of any land disturbance and maintained to prevent sediment from discharging onto adjacent surface areas or into any lake, wetland or natural watercourse in proximity to the affected land.
- B. All drainage from the affected area around the mine excavation shall be diverted internal to said excavation.
- C. Mining activities shall be conducted as indicated on the mine map last revised February 3, 1998.
5. All mining permit boundaries (18 acres) shall be permanently marked at the site on 100 foot intervals unless the line of sight allows for larger spacing intervals.
6. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control measure, structure, or device. In any event, exposed slopes or any excavated channels, the erosion of which may cause off-site damage because of siltation, shall be planted or otherwise provided with ground cover, devices or structures sufficient to restrain such erosion.

7. The affected land shall be graded so as to prevent collection of pools of water that are, or likely to become, noxious or foul. Necessary structures such as drainage
8. Existing vegetation or vegetated earthen berms shall be maintained between the mine and public thoroughfares whenever practical to screen the operation from the public.
9. Sufficient buffer (minimum of 50 foot undisturbed except where the section of the access road exists along the eastern property line) shall be maintained between any excavation and any mining permit boundary to protect adjacent property.

10. Refuse Disposal

- A. No on-site disposal of refuse or other solid waste that is generated outside of the mining permit area shall be allowed within the boundaries of the mining permit area unless authorization to conduct said disposal has first been obtained from both the Division of Waste Management and the Land Quality Section, Department of Environment and Natural Resources. The method of disposal shall be consistent with the approved reclamation plan.
- B. Mining refuse as defined by G.S. 74-49 (14) of The Mining Act of 1971 generated on-site and directly associated with the mining activity may be disposed of in a designated refuse area. All other waste products must be disposed of in a disposal facility approved by the Division of Waste Management. No petroleum products, acids, solvents or their storage containers or any other material that may be considered hazardous shall be disposed of within the permitted area.
- C. For the purposes of this permit, the Division of Land Resources considers the following materials to be "mining refuse" (in addition to those specifically listed under G.S. 74-49 (14) of the N.C. Mining Act of 1971):
 - 1) on-site generated land clearing debris
 - 2) conveyor belts
 - 3) wire cables
 - 4) v-belts
 - 5) steel reinforced air hoses
 - 6) drill steel
- D. If mining refuse is to be permanently disposed within the mining permit boundary, the following information must be provided to and approved by the Division of Land Resources prior to commencement of such disposal:
 1. the approximate boundaries and size of the refuse disposal area;
 2. a list of refuse items to be disposed;
 3. verification that a minimum of 4 feet of cover will be provided over the refuse;
 4. verification that the refuse will be disposed at least 4 feet above the seasonally high water table; and

5. verification that a permanent vegetative groundcover will be established.
11. An Annual Reclamation Report shall be submitted on a form supplied by the Department by February 1 of each year until reclamation is completed and approved.
12. The operator shall notify the Department in writing of the desire to delete, modify or otherwise change any part of the mining, reclamation, or erosion/sediment control plan contained in the approved application for a mining permit or any approved revision to it. Approval to implement such changes must be obtained from the Department prior to on-site implementation of the revisions.
13. The security which was posted pursuant to N.C.G.S. 74-54 in the form of a \$8,300.00 Irrevocable Standby Letter of Credit is sufficient to cover the operation as indicated in the approved application. This security must remain in force for this permit to be valid. The total affected land shall not exceed the bonded acreage.
14.
 - A. Authorized representatives of the Division of Archives and History shall be granted access to the site to determine the presence of significant archaeological resources.
 - B. Pursuant to N. C. G. S. 70 Article 3, "The Unmarked Human Burial and Human Skeletal Remains Protection Act," should the operator or any person in his employ encounter human skeletal remains, immediate notification shall be provided to the county medical examiner and the chief archaeologist, North Carolina Division of Archives and History.

APPROVED RECLAMATION PLAN

The Mining Permit incorporates this Reclamation Plan, the performance of which is a condition on the continuing validity of that Mining Permit. Additionally, the Reclamation Plan is a separable obligation of the permittee, which continues beyond the terms of the Mining Permit.

The approved plan provides:

Minimum Standards As Provided By G.S. 74-53

1. The final slopes in all excavations in soil, sand, gravel and other unconsolidated materials shall be at such an angle as to minimize the possibility of slides and be consistent with the future use of the land.
2. Provisions for safety to persons and to adjoining property must be provided in all excavations in rock.
3. All overburden and spoil shall be left in a configuration which is in accordance with accepted conservation practices and which is suitable for the proposed subsequent use of the land.
4. No small pools of water shall be allowed to collect or remain on the mined area that are, likely to become noxious, odious or foul.
5. The revegetation plan shall conform to accepted and recommended agronomic and reforestation practices as established by the North Carolina Agricultural Experiment Station and the North Carolina Forest Service.
6. Permittee shall conduct reclamation activities pursuant to the Reclamation Plan herein incorporated. These activities shall be conducted according to the time schedule included in the plan, which shall to the extent feasible provide reclamation simultaneous with mining operations and in any event, provide reclamation at the earliest practicable time after completion or termination of mining on any segment of the permit area and shall be completed within two years after completion or termination of mining.

RECLAMATION CONDITIONS:

1. Provided further, and subject to the Reclamation schedule, the planned reclamation shall be to restore the mine excavation to a lake area and to grade and revegetate the adjacent disturbed areas.
2. The specifications for surface gradient restoration to a surface suitable for the planned future use are as follows:
 - A. The lake area shall be excavated to maintain a minimum water depth of four feet measured from the low water table elevation.
 - B. The side slopes to the lake excavation shall be graded to a 3 horizontal to 1 vertical or flatter to the water line and 2 horizontal to 1 vertical or flatter below the water line.
 - C. Any areas used for wastepiles, screening, stockpiling or other processing shall be leveled and smoothed.

- D. No contaminants shall be permanently disposed of at the mine site. On-site disposal of waste shall be in accordance with Operating Condition Nos. 10.A. through D.
- E. The affected land shall be graded to prevent the collection of noxious or foul water.

3. Revegetation Plan:

After site preparation, all disturbed land areas shall be revegetated as per the following:

Permanent Seeding Specifications

<u>Dates</u>	<u>Species</u>	<u>Rate. Lbs/Acre</u>
February 15- April 1	Kobe Lespedeza	10
	Bahiagrass	50
	Redtop	1
	Winter rye (grain)	15
April 1- July 31	Common Bermuda	50
August 1- October 25	Lespedeza (unscarified)	30
	German millet	40
October 25- February 15	Rye (grain- temporary)	120

Soil Amendments

- Lime- 2000 lbs/acre or follow recommendations from a soil test.
- Fertilizer- 1000 lbs/acre 8-8-8 or 10-10-10, or follow recommendations from a soil test.
- Mulch- All seeded areas shall be mulched using small grain straw at a rate of 2000 lbs/acre and anchored appropriately.

In addition, the permittee shall consult with a professional wildlife biologist with the N.C. Wildlife Resources Commission to enhance post-project wildlife habitat at the site.

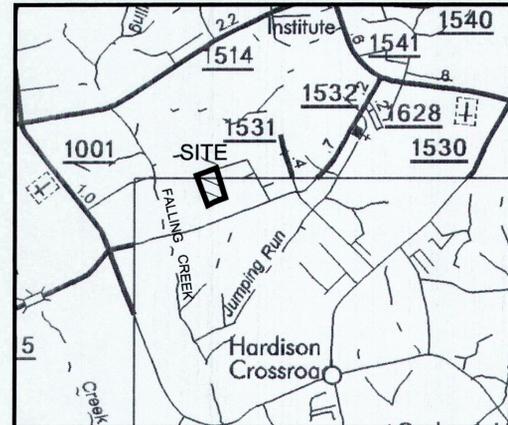
4. Reclamation Plan:

Reclamation shall be conducted simultaneously with mining to the extent feasible. In any event, reclamation shall be initiated as soon as feasible after completion or termination of mining of any mine segment under permit. Final reclamation, including revegetation, shall be completed within two years of completion or termination of mining.

This permit, issued January 15, 1988, is hereby renewed and modified this 29th day of September, 1998 pursuant to G.S. 74-52.

By: 

Charles H. Gardner, Director
Division of Land Resources
By Authority of the Secretary
Of the Department of Environment and Natural Resources



PROPERTY DATA: NC PIN #: 3577-99-4506; LENOIR CO. RECORD 4596
 ZONING: RURAL
 TOTAL ACREAGE: 17.94 ± BY TITLE SEARCH BY MATRIX EAST.
 DEED REFERENCE: DB 987, PG 1; MP 19-15
 PROPERTY OWNER & OPERATOR:

MR. HENRY LEON EVERETT, JR. (LYNN EVERETT)
 EVERETT'S LOT CLEARING AND GRADING, INC.
 2402 FRED EVERETT RD., PO BOX 6025, KINSTON, NC 28504
 (252) 522-5260

LANDFILL AREA	WASTE FOOTPRINT (AC)	EST. QUARTERLY CAPACITY (CY)	GROSS CAPACITY (CY)
SINGLE FILL	4.60	1,000	43,400

- BOUNDARY INFORMATION WAS TAKEN FROM MATRIX EAST, PLLC SURVEYING AND MAPPING.
- TOPOGRAPHIC INFORMATION TAKEN FROM MATRIX EAST FIELD SURVEY.
- THIS TRACT IS NOT SUBJECT SPECIAL FLOOD HAZARD AREAS AS SHOWN ON NFIP MAP PANEL 3720357800J AND 3720357700J EFFECTIVE DATE 4/16/13 720357800J. FALLING CREEK FLOODPLAIN IS APPROXIMATELY 460-FT SOUTH OF THE TRACT AT APPROX. BFE=74.
- OPEN PIT SCREENING PROVIDED FROM EXISTING CROP FIELDS, LIVESTOCK FIELDS, AND ACCESS ROAD GATE.
- ALL RUNOFF FROM LCID AREA DRAINS OR WILL DRAIN INTO STORMWATER AREAS AS INDICATED.
- LANDFILL FILLING, OPERATION, AND RESTORATION ACTIVITIES WILL NOT INTRODUCE ANY FILL, STOCKPILES, WASTEPILES, OR NON-MOBILE EXCAVATING OR PROCESSING EQUIPMENT ABOVE THE PRE-DISTURBANCE GRADES.
- LCID MATERIALS WILL BE COVERED AT ALL TIMES WITH A MIN. 1-FT OF SOIL AND MATERIALS WILL BE MIN. 4-FT ABOVE GROUNDWATER.
- REFERENCE THE LCID SEQUENCE OF CONSTRUCTION ON SHEET LCID-3.

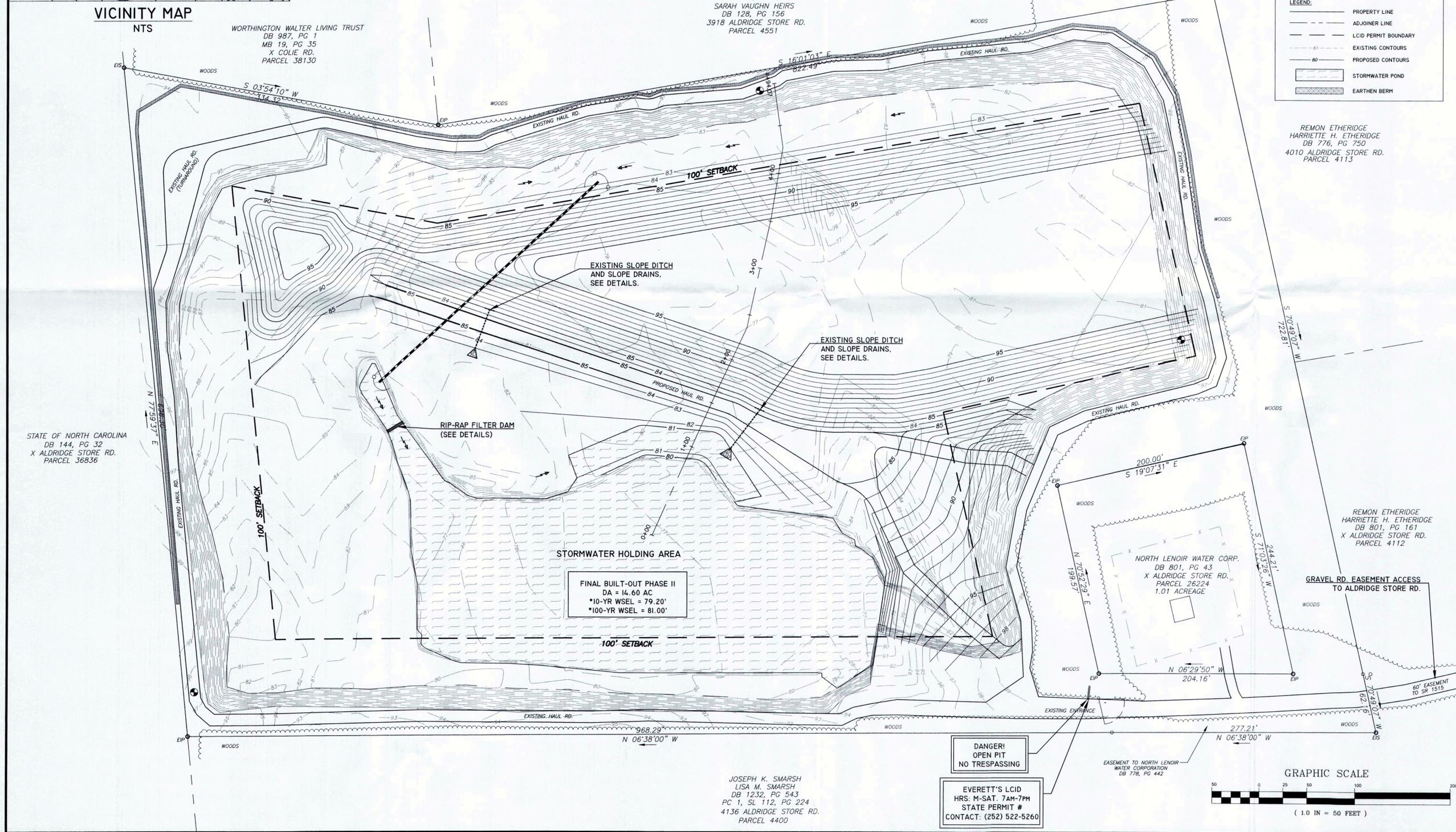
SEQUENCE OF LCID CONSTRUCTION & OPERATIONS

- SEE PHASE I CONSTRUCTION SEQUENCE.
- CONTINUE BACKFILLING TO ELEVATION 85.0-FT (NAVD 88) WITH CLEAN SOILS WITH ORGANICS LESS THAN 2%, 40-60% PASSING THE No. 200 SIEVE WITH PLASTICITY INDEX LESS THAN 20%; AND LIQUID LIMIT OF LESS THAN 50%; FREE OF ROCK OR GRAVEL LARGER THAN 2-INCHES IN ANY DIMENSION, ROOTS, DEBRIS, WASTE, FROZEN MATERIALS, VEGETATION, AND OTHER DELETERIOUS MATTER UNLESS OTHERWISE APPROVED BY A GEOTECHNICAL ENGINEER. THESE SOILS WILL BE PLACED IN 8-INCH LIFTS FOR HEAVY COMPACTION EQUIPMENT AND IN 4-INCH LIFTS FOR HAND COMPACTION. MAXIMUM DRY DENSITY SHALL BE NOT LESS THAN 95% IN ACCORDANCE WITH ASTM D 698.
- AFTER THE BASE ELEVATION OF 85.0-FT (NAVD 88) HAS BEEN ESTABLISHED, THE WASTE MATERIALS CAN BE HAULED IN TO CREATE THE LCID FILL SLOPE. SEE MAPS AND CROSS-SECTIONS.
- VEGETATE PER THE TEMPORARY AND PERMANENT SEEDING SPECIFICATIONS TO CREATE CLEAN SLOPES AND PREVENT SEDIMENTATION RUNOFF. SEE NOTES ABOUT CAPPING THE LCID WHEN NECESSARY.



REFERENCE DRAWINGS

EVERETT'S LAND CLEARING AND INERT DEBRIS PIT
 INSTITUTE TOWNSHIP
 LENOIR COUNTY, NC



LEGEND:

- PROPERTY LINE
- ADJOINER LINE
- LCID PERMIT BOUNDARY
- EXISTING CONTOURS
- PROPOSED CONTOURS
- STORMWATER POND
- EARTHEN BERM

REMON ETHERIDGE
 HARRIETTE H. ETHERIDGE
 DB 776, PG 750
 4010 ALDRIDGE STORE RD.
 PARCEL 4113

STATE OF NORTH CAROLINA
 DB 144, PG 32
 X ALDRIDGE STORE RD.
 PARCEL 36836

WORTHINGTON WALTER LIVING TRUST
 DB 987, PG 1
 MB 19, PG 35
 X COLIE RD.
 PARCEL 38130

N/F
 SARAH VAUGHN HEIRS
 DB 128, PG 156
 3918 ALDRIDGE STORE RD.
 PARCEL 4551

FINAL BUILT-OUT PHASE II
 DA = 14.60 AC
 *10-YR WSEL = 79.20'
 *100-YR WSEL = 81.00'

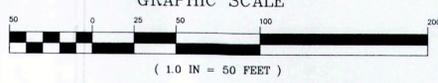
NORTH LENOIR WATER CORP.
 DB 801, PG 43
 X ALDRIDGE STORE RD.
 PARCEL 26224
 1.01 ACREAGE

REMON ETHERIDGE
 HARRIETTE H. ETHERIDGE
 DB 801, PG 161
 X ALDRIDGE STORE RD.
 PARCEL 4112

JOSEPH K. SMARSH
 LISA M. SMARSH
 DB 1232, PG 543
 PC 1, SL 112, PG 224
 4136 ALDRIDGE STORE RD.
 PARCEL 4400

DANGER!
 OPEN PIT
 NO TRESPASSING

EVERETT'S LCID
 HRS: M-SAT. 7AM-7PM
 STATE PERMIT #
 CONTACT: (252) 522-5260



**FINAL PROPOSED LANDFILL
 PHASE II LANDFILL OPERATIONS**

EVERETT'S LOT CLEARING AND GRADING, INC.
 2402 FRED EVERETT ROAD
 KINSTON, NC 28504
 (252) 522-5260

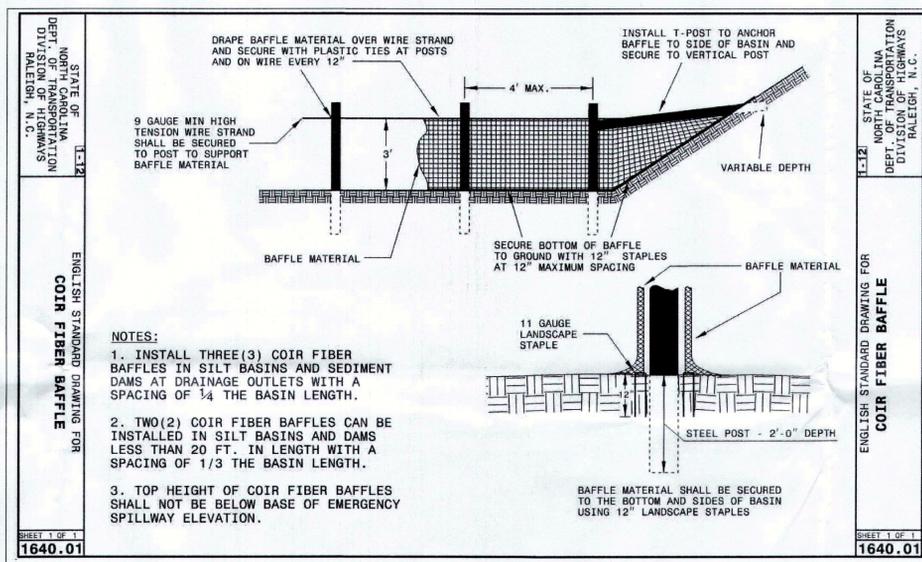
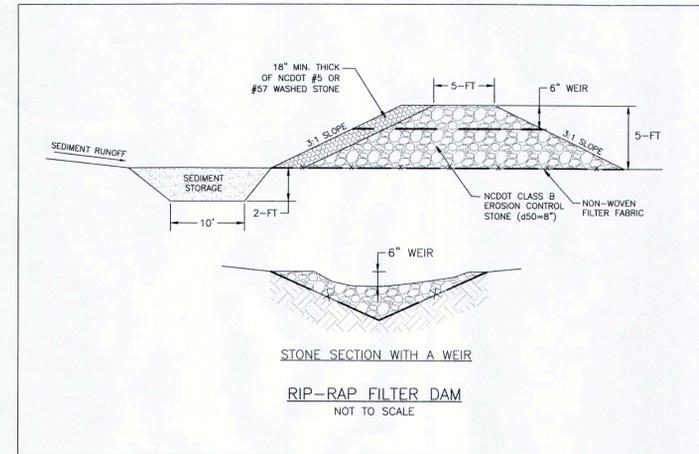
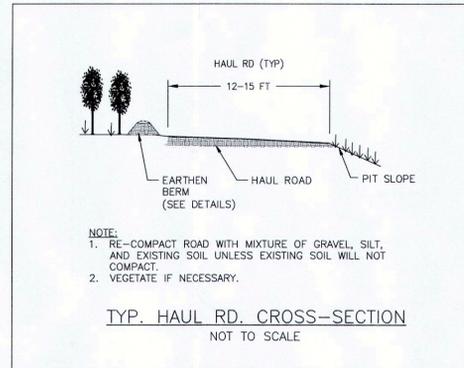
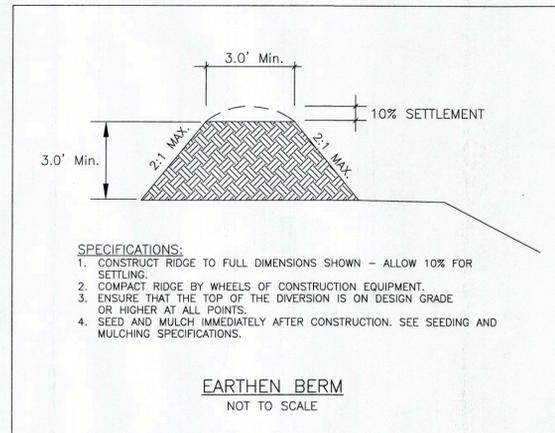
REV. NO.	DATE	REVISIONS	BY
1	8.22.16	REVISIONS PER DSW REVIEW	JBS
2	6.24.16	REVISIONS PER DSW REVIEW	JBS

SCALE	1" = 50'	DEPARTMENT	
DRAWN BY	JBS	DATE STARTED	MAR. 2016
CHECKED	JBS	SHEET No.	2 OF 3
APPROVED	JBS/LHE	DRAWING NO.	
PROJECT NO.	EVERETT'S LCID		

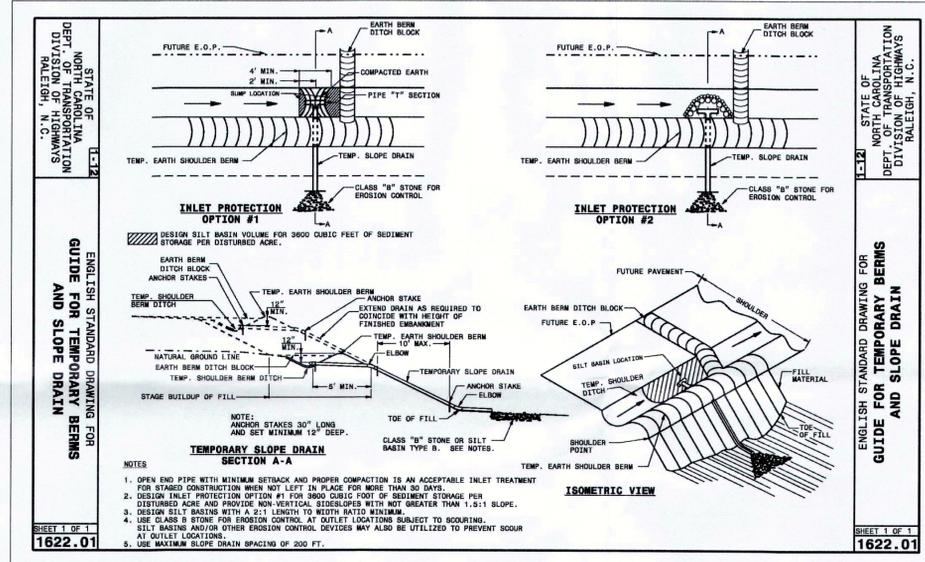
LCID-2

TEMPORARY SEEDING			
GRASS TYPE	LBS/ACRE	TIME OF SEEDING	FERTILIZER LIMESTONE
RYE GRAIN	50	OCT. - APR.	400 LBS/AC. 10-20-20
SWEET SUDAN GRASS	50	JUNE - AUGUST	400 LBS/AC. 10-20-20
GERMAN or BROWNTOP MILLET	50	JUNE - AUGUST	400 LBS/AC. 10-20-20
STRAW MULCH AS NEEDED	4,000		

PERMANENT SEEDING (RECLAMATION)			
GRASS TYPE	LBS/ACRE	TIME OF SEEDING	FERTILIZER LIMESTONE
BERMUDA, HULLED BERMUDA, UNHULLED	10-20 35	MARCH - AUGUST SEPT. - FEB.	BY SOIL TEST
CENTPEDE	10	MARCH - AUGUST	BY SOIL TEST (NO HIGH PH)
TALL FESCUE (COASTAL CULTIVAR RECOMMENDED)	50	MARCH - AUGUST	300 LB/AC 10-20-20 OR BY SOIL TEST
SLOPES >= 2:1 SERICEA LESPEDEZA	20	SEPTEMBER-APRIL	BY SOIL TEST
SWITCHGRASS	3	DECEMBER-APRIL	BY SOIL TEST



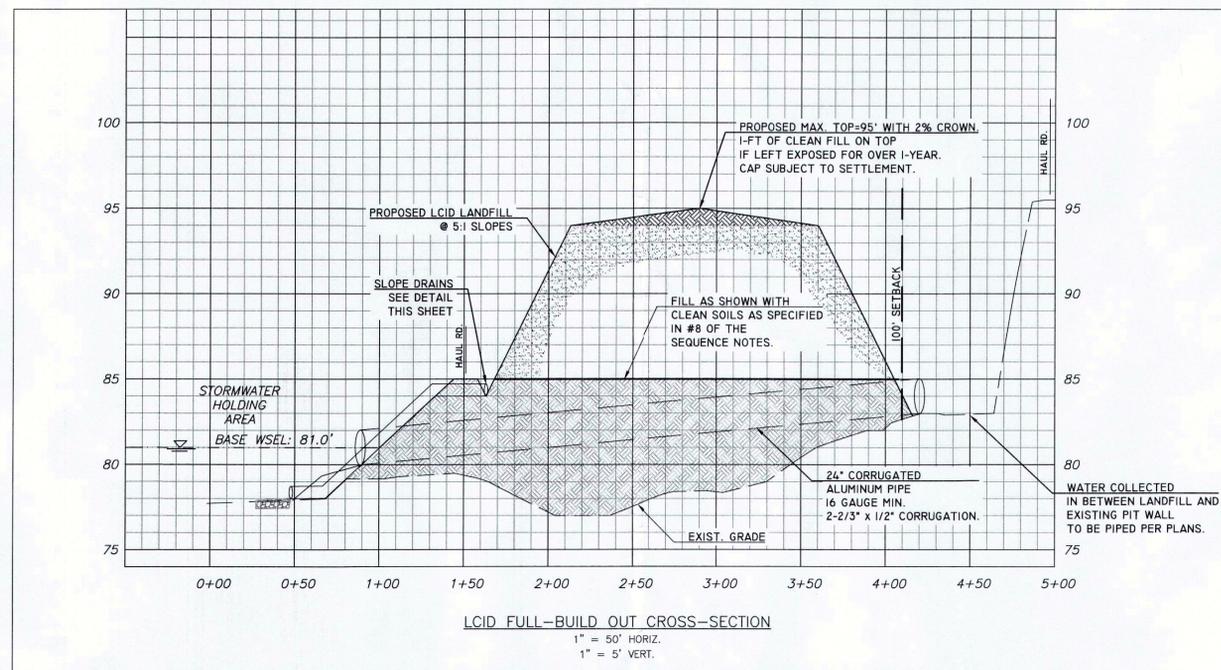
COIR FIBER BAFFLE DETAIL
NOT TO SCALE



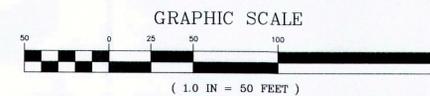
SLOPE DRAINS DETAIL
NOT TO SCALE

SEQUENCE OF LCID CONSTRUCTION & OPERATIONS

- OBTAIN NCDEQ-DEMLR EROSION CONTROL AND NCDEQ-DWM LCID WASTE PERMITS. IF NECESSARY, OBTAIN ANY OTHER FEDERAL OR LOCAL PERMITS.
- FOLLOW OPERATIONS PLAN BOOK AS INCLUDED AS PART OF THE LCID PERMIT.
- REPAIR/REINSTALL SITE ENTRANCE, GATE, AND SIGNAGE AS SHOWN ON THE MAPS.
- SURVEY AND DELINEATE THE 100' SETBACK AS THE LCID BOUNDARY AND INSTALL MIN. 4"x4" TIMBERS OR OTHER VISIBLE MARKERS EVERY 200-FT. MINIMUM.
- CONSTRUCT PERIMETER EARTHEN BERMS AS SHOWN ON MAPS AND VEGETATE IN ACCORDANCE WITH SEEDING AND MULCHING SPECIFICATIONS. THE BERMS WILL PREVENT OFFSITE DRAINAGE FROM ENTERING THE PIT.
- CONSTRUCT NEW HAUL ROAD AS SHOWN TO ESTABLISH THE SEPARATION BETWEEN LCID AND STORMWATER HOLDING AREA. VEGETATE IN ACCORDANCE WITH SEEDING AND MULCHING SPECIFICATIONS.
- CONSTRUCT RIP-RAP FILTER DAMS IN EXISTING DRAINAGE PATHWAYS. INSTALL COIR FIBER BAFFLES AS SHOWN. ONCE COIR FIBER BAFFLES ARE IN-PLACE, THE PUMP AND EFFLUENT PIPE CAN BE SETUP TO PUMP OUT THE AREA TO BE USED FOR THE LCID INTO THE STORMWATER HOLDING AREA. NO PUMPING OFFSITE OR OTHER UN-APPROVED LOCATIONS. ALSO INSTALL THE 24" DRAIN PIPE AND BACKFILL AS NECESSARY WITH WATERTIGHT JOINTS.
- CONTINUE BACKFILLING TO ELEVATION 85.0-FT (NAVD 88) WITH CLEAN SOILS WITH ORGANICS LESS THAN 2%, 40-60% PASSING THE NO. 200 SIEVE WITH PLASTICITY INDEX LESS THAN 20%, AND LIQUID LIMIT OF LESS THAN 50%. FREE OF ROCK OR GRAVEL LARGER THAN 2-INCHES IN ANY DIMENSION, ROOTS, DEBRIS, WASTE, FROZEN MATERIALS, VEGETATION, AND OTHER DELETERIOUS MATTER UNLESS OTHERWISE APPROVED BY A GEOTECHNICAL ENGINEER. THESE SOILS WILL BE PLACED IN 8-INCH LIFTS FOR HEAVY COMPACTION EQUIPMENT AND IN 4-INCH LIFTS FOR HAND COMPACTION. MAXIMUM DRY DENSITY SHALL BE NOT LESS THAN 95% IN ACCORDANCE WITH ASTM D 698.
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LCID FULL-BUILD-OUT CROSS-SECTION
1" = 50' HORIZ.
1" = 5' VERT.



EVERETT'S LAND CLEARING AND INERT DEBRIS PIT
INSTITUTE TOWNSHIP
LENOIR COUNTY, NC

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2402 FRED EVERETT ROAD
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SCALE		DEPARTMENT	
SEE PLAN			
DRAWN BY JBS	DATE STARTED MAR. 2016	SHEET No. 3 OF 3	DRAWING NO.
CHECKED JBS			
APPROVED JBS/LHE			
PROJECT NO.	LCID-3		
EVERETT'S LCID			