

RECEIVED

**NON-STANDARD
FILING**

SEP - 6 2011

SOLID WASTE SECTION
ASHEVILLE REGIONAL OFFICE

Fac/Perm/Co ID #	Date	Doc ID#
11-09	9,7,11	15086



Doc ID: 023773320009 Type: CRP
 Recorded: 08/30/2011 at 10:15:42 AM
 Fee Amt: \$38.00 Page 1 of 9
 Workflow# 0000077133-0001
 Buncombe County, NC
 Drew Reisinger Register of Deeds
 BK **4910** PG **1629-1637**

NOTICE

NOTE: THE SPACE ABOVE IS FOR THE REGISTER OF DEEDS USE

THIS PAGE IS PROVIDED FOR RECORDATION PURPOSES. THE ENTIRE DOCUMENT, INCLUDING THIS PAGE, SHOULD BE RECORDED IN THE GRANTOR INDEX UNDER THE NAME OF THE LANDOWNER FOR THE PARCEL OF PROPERTY LOCATED IN BUNCOMBE COUNTY AND SAID PROPERTY BEING OWNED BY MURMAX LLC AND FURTHER IDENTIFIED BY THE DEED RECORDED AS IDENTIFIED IN THE TABLE INSERTED HERE:

1. Property in Buncombe County, NC, Register of Deeds.

Buncombe County, N.C. Register of Deeds				
Book	Page	Parcel ID Number	Grantee	Acres
4136	0650	962771667900000	Murmax LLC	29.1±
				Total Site Acreage: 29.1±

THE PURPOSE OF THIS RECORDATION IS TO NOTIFY FUTURE BUYERS OF SAID PROPERTY THAT A SOLID WASTE MANAGEMENT FACILITY AND/OR MONITORING SYSTEM EXISTED ON THE PROPERTY. AS SUCH, RESTRICTIONS MAY BE IN PLACE LIMITING FUTURE USE OF THE PROPERTY.

Ret to: Allen Gaither, 2090 US Highway 70, Swannanoa NC 28778

I do hereby certify that the attached PERMIT TO CONSTRUCT / OPERATE is an exact and true original of PERMIT NUMBER 11-09 for the Henson's Inc. Asheville Wood Yard Large Type I Compost Facility.


Allen Gaither, Regional Engineer
Asheville Regional Office
Solid Waste Section
Division of Waste Management

North Carolina

Buncombe County

I, Magdalene E. Briggs, Notary Public for Buncombe County,

North Carolina, do hereby certify that Allen Gaither, Permitting Engineer of the Permitting Branch, Solid Waste Section, Division of Waste Management, NCDENR, personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal,

This the 15th day of August, 20 11.

OFFICIAL SEAL

Magdalene E. Briggs
NOTARY PUBLIC



My commission expires March 22, 20 12.

Note to Register of Deeds: This certified original permit shall be recorded by the Register of Deeds and indexed in the grantor index under the name of the land owner. The certified original affixed with the Register's seal and the date, book, and page number of recording shall be returned to Allen Gaither, Division of Waste Management, Solid Waste Section, 2090 US Highway 70, Swannanoa, NC 28778.



Facility Permit No: 11-09
Permit to Construct/Operate
Hensons' Inc.
Asheville Wood Yard
August 12, 2011
DIN 14324
Page 1 of 7

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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
SOLID WASTE SECTION

LARGE TYPE I COMPOST FACILITY
Permit No. 11-09

HENSONS' INC.
is hereby issued a

PERMIT TO OPERATE

HENSONS' INC. ASHEVILLE WOOD YARD

Located at *116 Pond Road, Asheville, Buncombe County*, North Carolina, in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit. The legal description of the site is identified on the deeds recorded for this property listed in Attachment 1, Part III of this permit.

cn=Edward F. Mussler III, P.
E., o=Solid Waste Section,
ou=NC DWM, email=ed.
mussler@ncdenr.gov, c=US
2011.08.12 10:52:40 -04'00'

Edward F. Mussler, III, P.E.,
Permitting Branch Supervisor
Solid Waste Section

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Telephone 919-508-8400 \ Fax 919-733-4810 \ Internet <http://wastenotnc.org>



ATTACHMENT 1

PART I: PERMITTING HISTORY

1. On September 20, 2000 a Permit to Operate was issued for a Large Type II Compost Facility.
2. On December 16, 2005 an amendment was made to the Permit for the five-year renewal of operations.
3. On August 12, 2011 an amendment was made to the Permit for the five-year renewal of operations including a change to a Large Type I Compost Facility.

No.	Permit Type	Date Issued	DIN
1.	Permit to Operate	September 20, 2000	
2.	Permit Amendment	December 16, 2005	
3.	Permit Amendment	August 12, 2011	14324

PART II: LIST OF DOCUMENTS FOR THE APPROVED PLAN

NO.	DOCUMENT DESCRIPTION	DIN
1.	<i>Operations and Maintenance Manual.</i> Prepared by: William G. Lapsley & Associates. Prepared for: Henson's Inc. December 2010.	13910
2.	<i>Type I Yard Waste Compost Facility Permit Application.</i> Prepared by: William G. Lapsley & Associates. Prepared for: Henson's Inc. May 2011.	14011

PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Buncombe County, N.C. Register of Deeds				
Book	Page	Acreage	Parcel ID Number	Grantee
4136	0650	29.1±	962771667900000	Murmax LLC
		29.1±	Total Facility Acreage	

Notes:

1. Deed book references are from Buncombe County Geographic Information Systems website (<http://gis.buncombecounty.org/buncomap/>) accessed July 2011.

PART IV: GENERAL PERMIT CONDITIONS

1. This permit is issued by the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section (Section). In accordance with North Carolina Solid Waste Management Rule 15A NCAC 13B .0201(d), a solid waste management facility permit shall have two parts: a Permit to Construct and a Permit to Operate. The Permit to Construct must be implemented in

- accordance with Attachment 2 of this permit. The Permit to Operate must be implemented in accordance with Attachment 3 of this permit.
2. The persons to whom this permit is issued ("permittee") are the owners and operators of the solid waste management facility.
 3. This permit shall not be effective until the certified copy of this permit which references legal descriptions for all land within the solid waste management facility boundary is recorded in the Register of Deeds office and indexed in the grantor index under the name of the owner of the land in the county or counties in which the land is located. The certified copy of the permit affixed with the Register's seal and the date, book, and page number of recording must be returned to the Solid Waste Section within thirty (30) calendar days of issuance of this permit. If the Solid Waste Section does not receive the certified copy of the recorded permit within 30 calendar days of issuance of the permit, then and in that event, the permit is suspended and of no effect until the date the Solid Waste Section receives the certified copy of the recorded permit.
 4. When this property is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument, a statement that the property has been used as a solid waste management facility and a reference by book and page to the recordation of the permit.
 5. By receiving waste at this facility the permittee shall be considered to have accepted the terms and conditions of this permit.
 6. Operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of the Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit; and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition.
 7. This permit is issued based on the documents submitted in support of the application for permitting the facility including those identified in Attachment 1, Part II: "List of Documents for Approved Plan", and which constitute the approved plan for the facility. Where discrepancies exist, the most recent submittals and the Conditions of Permit shall govern.
 8. This permit may be transferred only with the approval of the Section, through the issuance of a new or substantially amended permit in accordance with applicable statutes and rules. In accordance with NCGS 130A-295.2(g) the permittee shall notify the Section thirty (30) days prior to any significant change in the identity or business structure of either the owner or the operator, including but not limited to a proposed transfer of ownership of the facility or a change in the parent company of the owner or operator of the facility.

9. The permittee is responsible for obtaining all permits and approvals necessary for the development of this project including approval from appropriate agencies for a General or Individual NPDES Stormwater Discharge Permit. Issuance of this permit does not remove the permittee's responsibilities for compliance with any other local, state or federal rule, regulation or statute.

- End of Section -

ATTACHMENT 2

CONDITIONS OF PERMIT TO CONSTRUCT

PART I – COMPOST FACILITY SPECIFIC CONDITIONS

Not Applicable

PART II – MISCELLANEOUS SOLID WASTE MANAGEMENT CONDITIONS

Not Applicable

- End of Section -

ATTACHMENT 3

CONDITIONS OF PERMIT TO OPERATE

PART I – COMPOST FACILITY SPECIFIC CONDITIONS

1. The Permit to Operate shall expire **August 12, 2016**. Pursuant to 15A NCAC 13B .0201(e), no later than **February 12, 2016**, the owner or operator must submit a request to the Section for permit review and must update pertinent facility plans including, but not limited to, the facility operation and waste screening plans.
2. Operation and maintenance of this facility shall be in accordance with the Solid Waste Compost Rules (15A NCAC 13B, Section .1400), conditions of the Permit to Operate and the list of Documents for the Approved Plan (Attachment 1, Part II). Any revisions to the approved plan shall be approved by the Section, prior to implementation. Failure to comply may result in compliance actions or permit revocation.
3. The facility operational capacity shall be limited to 300,000cy, or 75,000 tons, of feedstocks received for composting per year.
4. This facility shall be operated in such a manner that erosion and runoff from the site shall be controlled. Any leachate generated at the facility and any runoff from the facility shall be managed in such a manner that ground or surface water quality will not be adversely affected. The facility shall be maintained to prevent the accumulation of stormwater or leachate on travel areas or active composting sites.

5. Surface water shall be diverted from all operational and storage areas to prevent standing water in operational areas and under or around storage piles. Water that comes in contact with solid waste shall be contained on-site or properly treated prior to discharge.
6. Areas within the 100 year flood plain of Hominy Creek shall not be used for waste receipt, storage or to store final product.
7. All sedimentation and erosion control activities must be conducted in accordance with the Sedimentation Control Act N.C.G.S. 113A-50, et seq., and rules promulgated under 15A NCAC 4.
8. An appropriate Division of Water Quality permit for managing any stormwater or wastewater at the facility shall be maintained as required.
9. Only materials specifically listed in the permit application may be managed at this facility. Before additional materials including feedstocks listed within the permit application as potential waste streams may be added, there must be adequate testing and prior approval by the Division of Waste Management in writing.
10. Composting data from all the active windrows shall be maintained as required to document temperatures, moisture levels, and turning intervals.
11. Incoming wastes shall be mixed to achieve a proper C:N ratio prior to the wastes starting to compost (heat), create odors, or attract vectors. Feedstocks shall not be received that are in an anaerobic state.
12. All compost produced at the facility shall meet the requirements of Rule 15A NCAC 13B .1407 of the Solid Waste Compost Rules and the permit application.
13. A responsible individual trained and certified in facility operations must be on-site at all times during all operating hours of the facility, in accordance with G.S. 130A-309.25.
14. Wastes received and product stored shall be maintained in containers or reasonably sized piles with adequate fire breaks and lanes in accordance with the approved operational plans and the pertinent rules.
15. The facility must not cause nuisance conditions.
 - a. Effective vector control measures must be applied at all times to control any potential vectors including flies, rodents, insects, and other vermin.
 - b. Control measures must be utilized to minimize and eliminate visible dust emissions and blowing litter.
 - i) Fugitive dust emissions are prohibited.
 - ii) Windblown materials must be collected by the end of the day and no windblown material may be allowed to leave the facility boundary.
 - c. Areas shall be operated and maintained in a manner so as to minimize odors.
16. Upon receipt of an odor complaint, the facility operator shall investigate and take actions as necessary to minimize the cause of the complaint. A copy of all written complaints

- regarding this facility shall be maintained for the duration of the permit including the operator's actions taken to resolve the complaints.
17. An odor management plan shall be followed to minimize odors at the facility boundary. In response to a verified offsite odor complaint resulting from the compost windrows, the facility shall immediately cover the odor-generating material with a 6-inch layer of finished compost.
 18. Copies of this permit, the approved plans and all records required to be maintained by the permittee must be maintained at the facility, unless otherwise approved by the Section, and made available to the Section upon request during normal business hours.
 19. An annual report of facility activities, in accordance with Rule 15A NCAC 13B .1408(c), for the fiscal year July 1 to June 30 shall be submitted to the Division by August 1 of each year on forms provided by the Division. This report shall include the amount of materials received and composted in tons.

PART II- MISCELLANEOUS SOLID WASTE MANAGEMENT CONDITIONS

General Conditions

20. Wastes received and product stored shall be maintained in reasonably sized piles with adequate fire breaks and lanes in accordance with the approved operational plans and the pertinent rules.
21. Surface water shall be diverted from all operational and storage areas to prevent standing water in operational areas and under or around storage piles. Water that comes in contact with solid waste shall be contained on-site or properly treated prior to discharge.
22. These areas shall be operated and maintained with sufficient dust control measures to minimize airborne emissions and to prevent dust from becoming a nuisance or safety hazard.
23. These areas shall be operated and maintained in a manner so as to minimize odors, prevent the creation of a nuisance, potential health hazard, or a potential fire hazard.
24. Effective vector control measures shall be applied as necessary to control flies, rodents, insects, or vermin.

Operational Conditions – Treatment & Processing (Wood Grinding)

25. The facility is permitted to operate a treatment and processing facility as defined in 15A NCAC 13B, Rule .0101(49).
26. The facility is permitted to receive land clearing waste as defined in 15A NCAC 13B, Rule .0101(23).
27. The facility is permitted to receive wooden pallets constructed of unpainted and untreated natural wood.

Facility Permit No: 11-09
Permit to Construct/Operate
Hensons' Inc.
Asheville Wood Yard
August 12, 2011
DIN 14324
Page 7 of 7

- 28. The facility is permitted to receive yard trash as defined in 15A NCAC 13B, Rule .0101(55). However, this ground material containing yard trash may not be distributed to the public unless it has been composted in accordance with Rule .1400.
- 29. The facility must manage the treatment and processing according to the Operation Plan included in Attachment 1, Part II: "List of Documents for the Approved Plan". This document is included in the approved plan. Any revisions to the approved plan shall be approved by the Section, prior to implementation.

- End of Permit Conditions -