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**BK 2941 PG 0562**

FILED CATAWBA COUNTY

on Nov 03, 2008 at 04:25:00 pm

Excise Tax (None) BR

INSTR. # 25024

DONNA HICKS SPENCER  
REGISTER OF DEEDS

**Bk 02941 Pg 0562-0570**

PERMIT TO CONSTRUCT AND OPERATE LAND CLEARING & INERT DEBRIS LANDFILL  
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 CATAWBA  
COUNTY AND SAID PROPERTY BEING OWNED BY THE CITY OF NEWTON AND FURTHER  
IDENTIFIED BY THE DEED RECORDED AS IDENTIFIED IN THE TABLE INSERTED HERE:

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

Catawba County, N.C. Register of Deeds				
Book	Page	Acreage	Grantor	Grantee
292	543	180.3±		Newton, City of
		180.3±	Total Facility Acreage	

THE PURPOSE OF THIS RECORDATION IS TO NOTIFY FUTURE BUYERS OF SAID PROPERTY  
THAT A LANDFILL EXISTS ON THE PROPERTY.

I do hereby certify that the attached PERMIT TO CONSTRUCT AND OPERATE is an exact and true original of PERMIT NUMBER 18-11 LCID for the City of Newton Land Cleaning and Inert Debris Landfill.

  
Allen Gaither, EIT  
Permitting Engineer  
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, 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 31<sup>st</sup> day of October, 2008.

OFFICIAL SEAL



Magdalene E. Briggs  
NOTARY PUBLIC

My commission expires 03-22, 2012.

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 the Permitting Branch Supervisor, Division of Waste Management, Solid Waste Section, 1646 Mail Service Center, Raleigh, NC 27699-1646.



City of Newton Land Clearing and Inert Debris Landfill  
Facility Permit No.: 18-11 LCID  
Permit to Operate  
September 4, 2008  
Document ID No. 5501  
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NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
Dexter R. Matthews, Director  
Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary

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

LAND CLEANING AND INERT DEBRIS LANDFILL  
PERMIT NO. 18-11 LCID 2008

City of Newton  
is hereby issued a

PERMIT TO CONSTRUCT AND OPERATE

CITY OF NEWTON LAND CLEARING & INERT DEBRIS LANDFILL

Located at 1171 Boston Road, in the Newton, Catawba 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 facility is located and described by the legal description of the site or the property map contained within the approved application.

Edward F. Mussler III, P.E.  
cr=Edward F. Mussler III, P.E.,  
c=US, o=Division of Waste  
Management, ou=Solid Waste  
Management, email=ed.  
mussler@ncmail.net  
I have reviewed this document  
and am approving this  
document  
2008.09.04 14:31:13 -04'00'

Edward F. Mussler, III, P.E.,  
Permitting Branch Supervisor  
Permitting Branch

ATTACHMENT 3

PART I: PERMITTING HISTORY

Issuance	Date
Permit to Construct/ Permit to Operate	September 4, 2008

PART II: LIST OF DOCUMENTS FOR THE APPROVED PLAN

NO.	DOCUMENT DESCRIPTION	DOCUMENT ID NO.
1.	<i>February 12, 2008 Permit Meeting Summary Letter.</i> Prepared by: Allen Gaither. Prepared for: Solid Waste Permitting. February 15, 2008.	4054
2.	<i>Letter stating waste will be four feet above water table.</i> Prepared by: Alex Fulbright – Assistant City Planner. Prepared for: City of Newton. June 25, 2008.	5424
3.	<i>City of Newton Operational Plan for LCID Landfill.</i> Prepared by: Mark Herman – Public Works Superintendent. Prepared for: City of Newton, August 6, 2008.	5462
4.	<i>Permit to Construct/Permit to Operate Application Submittals.</i> Prepared by: W.K. Dickson. Prepared for: City of Newton. June 6, 2006.	5500

PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Catawba County, N.C. Register of Deeds				
Book	Page	Acreage	Grantor	Grantee
292	543	180.3±		Newton, City of
		180.3±	Total Facility Acreage	

**PART IV: GENERAL PERMIT CONDITIONS**

1. Pursuant to the NC Solid Waste Management Rules (Rule) 15A NCAC 13B .0563(4) and .0201(e), this permit approves construction and an operational period for the City of Newton Land Clearing and Inert Debris Landfill (LCIDL) of five (5) years from the issuance date of this Permit to Construct and Operate and shall expire September 4, 2013.
  - a. No later than March 4, 2013 the Permittee must submit an application to the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section (Section) for permit amendment for the next 5-year phase of construction and/or operation.
  - b. The application for the next phase of construction or operation must comply with the rules and regulations in effect at the time of the next application.
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 must 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 LCID Landfill 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 3, 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.

**PK2941 PR0567**

City of Newton Land Clearing and Inert Debris Landfill  
Facility Permit No: 18-41 LCID  
Permit to Operate  
September 4, 2008  
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8. This permit may be transferred only with the approval of the Solid Waste Section through the issuance of a new or substantially amended permit in accordance with applicable statutes and rules. In accordance with NCCGS 130A-295.2(g), the Permittee must notify the Solid Waste 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 4  
CONDITIONS OF PERMIT**

**PART I: SITE SPECIFIC CONDITIONS**

1. This permit authorizes the construction of the LCID Landfill containing the total design gross capacity of 100,000 cubic yards within 4.97 permitted acres that is located inside the 180.29 acre tract in accordance with the approved plan, Attachment 3, Part II Document 4.
2. This permit authorizes the operation of Phase I of the LCID Landfill containing an estimated design gross capacity of 20,000 cubic yards. Gross capacity is the measured volume between the bottom of waste and the top of final cover. The average received waste is estimated at approximately 350 tons per year in accordance with the Operations Plan, Attachment 3, Part II Document 3.
3. The City of Newton shall conduct a preconstruction meeting, on site, prior to initiating construction of any unit/cell at the site and shall notify the Solid Waste Section 10 days prior to said meeting.
4. Construction of all solid waste management units within this facility shall be in accordance with the pertinent approved plans and only for those phases of development approved for construction as described in Attachment 1, Part II: "List of Documents for the Approved Plan".
5. Additional conditions and revisions of the approved documents or changes during construction of any landfill unit/cell require approval by the North Carolina Solid Waste Section.
6. Revisions to the design or operation of the facility without the written approval of the Solid Waste Section are a violation of this permit.
7. Amendments or revisions to the NC Solid Waste Management Rules or any violation of groundwater standards may necessitate modification of the approved plans or closure of the facility.
8. This facility must conform to the operational requirements of the Rules 15A NCAC 13B .0565(4), 15A NCAC 13B .0566, and approved document listed in Attachment 3.
9. This facility is permitted to receive land clearing waste, yard trash, untreated and unpainted wood, uncontaminated soil, and inert debris such as unpainted rock, brick, concrete, and concrete block. Waste acceptance requirements may be affected by future revisions and amendments to the NC General Statutes, or to the NC Solid Waste Management Rules.
10. Solid waste must be restricted to the smallest area feasible, compacted as densely as practical into cells by proper construction equipment, and sloped to ensure drainage to the mine pit.

11. Excavation, grading, and fill material side slopes must not exceed three (3) horizontal to one (1) vertical.
12. The following requirements must be met prior to receiving waste and during the operation of the site:
  - a. A site inspection and/or pre-operative meeting must be conducted by a representative of the Solid Waste Section.
  - b. A sign must be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements 15A NCAC 13B .0566 (16).
  - c. Site access controls must be installed and operational.
  - d. An attendant must be on duty at all times while the landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
  - e. Access roads must be of all-weather construction and properly maintained.
13. The concentration of explosive gases generated by the LCIDL facility must not exceed:
  - a. Twenty-five percent (25%) of the lower explosive limit for the gases in facility structures.
  - b. The lower explosive limit for the gases at the property boundary.
14. Open burning of land clearing waste within the landfill unit is prohibited. If a fire occurs, the Permittee must provide oral notification to the Section within 24 hours of the occurrence followed by a written report of the details of the fire within 10 working days that includes but not limited to: the cause, the location(s) on the premises, the dimensions and volume of material involved, description of the emergency response activities, how the fire was brought under control, and what mitigation measures are implemented to reduce or eliminate conditions leading to the fire. Other conditions may be required based on the severity or nature of the fire.

#### COVER MATERIAL REQUIREMENTS

15. Solid waste must be covered with 1.0 foot of suitable soil cover at least once per month or when the active area reaches 1.0 acre in size in accordance with the approved operation plan (Attachment 3, Part II, Document 3), whichever comes first, or more often when necessary to prevent the site from becoming a nuisance or to mitigate conditions associated with fire, windblown materials, vectors, or excessive water infiltration.
16. Vegetative ground cover sufficient to restrain erosion must be established within 30 working days over areas that are not do not receive wastes for 30 calendar days or upon completion of any phase of LCIDL development or as addressed in the approved Sedimentation and Erosion Control permit (Attachment 3, Part II, Document No. 3).
17. Within 120 calendar days after completion of the final disposal operations, the disposal area must be closed and covered with a minimum of one (1) foot of suitable soil cover sloped to allow

surface water runoff in a controlled manner. However, ditches located on the landfill debris must have a two (2) feet thick soil cover as its base and side slopes.

#### **EROSION AND SEDIMENTATION CONTROL REQUIREMENTS**

18. All required sedimentation and erosion control measures must be installed and operable to mitigate excessive on-site erosion and to prevent silt from leaving the site of the landfill unit during the service life of the facility.
19. The Permittee is solely responsible for maintaining an approved sedimentation and erosion control plan. All earth disturbing activities must be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4) and consistent with the approved Mine Permit (67-33) issued by the Division of Land Resources Land Quality Section and the Letter of Approval with Modification dated February 16, 2005, and along with any other local, state or federal requirements.

#### **DRAINAGE CONTROL AND WATER PROTECTION REQUIREMENTS**

20. Facility operations or practices must not cause or result in a discharge of pollution, dredged material, and/or fill material into waters of the state in violation of the requirements under Sections 402 and 404 of the Clean Water Act, as amended
21. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L.
22. Surface water must be diverted from the operational area.
23. Surface water must not be impounded over or in waste.
24. Solid waste must be placed a minimum of four (4) feet above the seasonal high water table and at a minimum of 18.0 feet above mean seal level for the remaining landfill footprint in accordance with the approved plan Document No. 2 and Sheet Nos. 2 and 3 in Part II of Attachment 3 and the Rule 15A NCAC 13B .0564(8)(d).
25. Solid waste must not be disposed in standing water.
26. Leachate must be properly managed on site through the use of current best management practices

- End of Permit Conditions -