



Facility Permit No: 26-09T-Transfer-2009
Permit to Construct and Operate
City of Fayetteville Transfer Station
July 30, 2009
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North Carolina Department of Environment and Natural Resources

Division of Waste Management

Dexter R. Matthews

Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

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

**SOLID WASTE TRANSFER FACILITY
Permit No. 26-09T-Transfer-2009**

CITY OF FAYETTEVILLE, OWNER

and

**WASTE INDUSTRIES, LLC, A subsidiary of WASTE INDUSTRIES USA, INC.,
OPERATOR**

are all hereby issued a

PERMIT TO CONSTRUCT AND OPERATE

CITY OF FAYETTEVILLE TRANSFER STATION

Located at 583 Winslow Street, City of Fayetteville, Cumberland 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 No. 1 of this permit.

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

ATTACHMENT 1

PART I: PERMITTING HISTORY

Permit Type	Date Issued
Original Issue Permit to Operate (PTO) No. 26-07T	June 8, 1994
Amendment No. 1	July 20, 1999
Original Issue Permit to Operate No. 26-09T	November 8, 2002
Amendment No. 1	May 31, 2007
Permit to Operate Service Area Modification	February 25, 2009
Permit to Construct and Operate	July 30, 2009

PART II: LIST OF DOCUMENTS FOR THE APPROVED PLAN

1. *Facility Operations Plans for the BFI Fayetteville Transfer Station.* May 3, 1994. [DIN 6877]
2. *Letter Requesting PTO Amendment including amended Lease Agreement.* Prepared by: BFI Waste Systems of North America, Inc. June 8, 1999. [DIN 6878]
3. *Waste Industries, Solid Waste Transfer Station, City of Fayetteville, Operation Plan.* Prepared by: Waste Industries, Inc., Raleigh, NC. May 29, 2007. [DIN 6874]
4. *Waste Industries, Solid Waste Transfer Station, City of Fayetteville, Request for Permit Amendment Letter.* Prepared by: Waste Industries, Inc., Raleigh, NC. February 26, 2007. [DIN 6874]
5. *Waste Industries, Solid Waste Transfer Station, City of Fayetteville, Request for Modification Letter.* Prepared by: Waste Industries, Inc., Raleigh, NC. August 11, 2008. [DIN 6869]
6. *Application for Permit to Construct, City of Fayetteville Transfer Station.* Prepared for: Waste Industries, Inc., Raleigh, NC. Prepared by: Richardson Smith Gardner & Associates, Raleigh, NC. May 22, 2009. [DIN 7733]

PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Cumberland County NC Register of Deeds			
Book	Page	Grantor	Tract
2664	600-612	Property of the E.A. Poe, III, Estate	8.5
3702	894-899	CSX Transportation, Inc.	0.9
			Total Site Acreage: 9.4

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.
 - a. The Permit to Construct contained in Attachment 2 of this permit shall expire on January 30, 2011. The conditions of the Permit to Construct must be completed before the Permit to Operate contained in Attachment 3 of this permit shall take effect.
 - b. The Permit to Operate shall expire on July 30, 2014. Pursuant to 15A NCAC 13B .0201(g), no later than January 30, 2014, 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. 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 Section within 30 calendar days of issuance of this permit. If the 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 Section receives the certified copy of the recorded permit.
4. Intentionally Blank.
5. By beginning construction or receiving waste at this facility, the permittee shall be considered to have accepted the terms and conditions of this permit.
6. Construction and 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, “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 1- TRANSFER FACILITY CONSTRUCTION CONDITIONS

1. Pursuant to the NC Solid Waste Management Rules (Rule) 15A NCAC 13B .0201(c) and (d)(1), this permit approves construction of the City of Fayetteville transfer facility in accordance with the approved plans listed in Attachment 1, Part II. Any revision or modification to these plans must be submitted to the NC Solid Waste Section (Section) for review and approval prior to installation, construction or implementation of the revision or modification.
2. Construction authorized by this Permit to Construct must commence within 18 months from the issuance date of this permit. If construction does not begin within 18 months from the issuance date of this permit, then the Permit to Construct shall expire.
 - a. The term Construction includes but is not limited to the issuance of construction contracts, mobilization of equipment to the site, clearing, grubbing and installation of sedimentation and erosion control structures.
 - b. Should construction not commence within the effective period of the Permit to Construct, the permittee may reapply for another Permit to Construct prior to the expiration date. The reapplication would be subject to the statutes and rules in effect at that time and additional fees.
3. Construction of the transfer facility must be in accordance with the approved plans, Attachment 1, Part II, Document 1. Any revision or modification to these plans shall be submitted to the Section for review and approval prior to installation, construction or implementation of the change, and may be subject to a permitting fee.

TRANSFER FACILITY PRE-OPERATION CONDITIONS:

4. The permittee must demonstrate that the facility is in compliance with the following requirements must be met prior to issuance of an approval to operate and prior to commencement of operations:
 - a. A site inspection shall be made by a representative of the Section.
 - b. A certification that the facility and related infrastructure was constructed in accordance with the approved plan must be submitted to the Division by the Project Engineer registered as a professional engineer in North Carolina.
 - c. Three (3) paper copies and one (1) electronic copy of the construction record drawings must be submitted to the Section for review and approval.
 - d. A copy of the erosion control/grading permit must be submitted to the Solid Waste Section. If changes to the proposed operation or facility layout are required due to the erosion

control/grading permits, those changes must be submitted to the Solid Waste Section for review and approval before implementation.

5. When the permittee demonstrates compliance with all Pre-Operation Conditions, a Section representative shall notify the Permitting Branch Supervisor in writing, either by letter or e-mail, that the conditions are met. The owner and operator shall be copied on the correspondence. The notification shall suffice as permission to operate as of the date of the notification.

- End of Section -

ATTACHMENT 3 CONDITIONS OF PERMIT TO OPERATE

PART I: OPERATING CONDITIONS

1. The City of Fayetteville is permitted to operate the existing facility located on the same property under the conditions contained in this Attachment 3 Permit to Operate until the conditions of the Attachment 2 Permit to Construct for the new facility are completed. Any reference made in any section of this permit to 'the operation of the facility' is applicable to either the proposed or the existing transfer facility.
2. Sixty days (60) prior to the date of initial operation of the new transfer facility, the owner or operator must submit a closure or operating plan describing the short- and long-term disposition of the existing transfer facility. Any solid waste management activity proposed for the existing facility after the new facility is activated must be submitted as an application for permit modification to the Solid Waste Section for review and approval prior to the initiation of those solid waste management activities.
3. The facility is permitted to receive and transfer municipal solid waste as defined in G.S. 130A-290 (a)(35) to approved disposal facilities.
4. The following, at a minimum, must not be accepted for disposal at the facility: hazardous waste, yard waste, liquid wastes, regulated medical waste, sharps not properly packaged, animal carcasses, regulated-asbestos containing material as defined in 40 CFR 61, PCB waste as defined in 40 CFR 761, and wastes banned from disposal in North Carolina by G.S. 130A-309.10(f).
5. This facility is permitted to receive municipal solid waste generated within the following counties: Chatham, Durham, Franklin, Johnston, Lee, Moore, Orange, Richmond, Scotland and Wake and the municipalities contained within those counties.
 - a. All waste received at the facility must be transported for disposal to the Waste Industries Sampson County Disposal, Inc., municipal solid waste landfill Permit No. 82-02 located in Roseboro, Sampson County, North Carolina.
 - b. Proposed changes to the service area or disposal facility must be submitted to the Section for review and approval and will be subject to a permit modification fee.
6. The permittee must not knowingly accept for transfer or cause the disposal of waste that is generated within the boundaries of a unit of local government that by ordinance:
 - a. Prohibits generators or collectors of waste from disposing of that type or form of waste.
 - b. Requires waste generators or collectors to recycle that type or form of waste.

7. 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.
8. The permittee must develop, and use, a training and screening program at the facility for detecting and preventing unauthorized wastes from being accepted at the facility. At a minimum, the program must include:
 - a. Random inspections of incoming loads or other comparable procedures.
 - b. Records of all inspections.
 - c. Training of personnel to recognize hazardous, liquid and other excluded waste types.
 - d. Development of a contingency plan to properly manage any identified hazardous, liquid or other excluded or unauthorized wastes. The plan must address identification, removal, storage and final disposition of those wastes.
9. The facility must not cause nuisance conditions.
 - a. The tipping floor and transfer trailer loading area must be maintained in a clean, sanitary condition at all times and must be cleaned at least daily in accordance with the approved Operational Plan.
 - b. Waste must be deposited only on the tipping floor or directly into a transfer container. Waste must not be stored on the tipping floor after operating hours.
 - c. Waste may be stored on-site in leak proof transfer trailers with watertight covers a maximum of 24 hours except that a minimal amount of waste may be stored for a maximum of 72 hours when the facility is closed during a weekend or holiday. Storage of the waste must not cause any nuisance including odor, attraction of vectors, litter or other nuisance condition.
 - d. Effective vector control measures must be applied at all times to control any potential vector including flies, rodents, insects, and other vermin.
 - e. 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 windblown material must not be allowed to leave the facility boundary.
10. All water that comes in contact with solid waste including vehicle wash-down water is leachate and must be captured and properly treated before release to the environment.
 - a. The leachate control system, such as floor drains, leachate collection devices, sanitary sewer connections and leachate storage tanks, must be operational during facility operations.

- b. The tipping floor must drain away from the building entrance and into the leachate collection system.
11. 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.
 12. The permittee must maintain a record of the amount of solid waste received at the facility, including daily records of waste received and origins of the loads. Scales must be used to weigh the amount of waste received. The daily records are to be summarized into a monthly report for use in the required annual reports.
 13. On or before August 1 annually, the Permittee must submit an annual facility report to the Solid Waste Section on forms prescribed by the Section.
 - a. The reporting period shall be for the previous year beginning July 1 and ending June 30.
 - b. The annual facility report must list the amount of waste received in tons and be compiled:
 - i. On a monthly basis.
 - ii. By county, city or transfer station of origin.
 - iii. By specific waste type.
 - iv. By receiving disposal facility.
 - v. By diversion to alternative management facilities.
 - c. The completed report must be forwarded to the Regional Waste Management Specialist for the facility by the date due on the prescribed annual facility report form.
 - d. A copy of the completed report must be forwarded to each county manager for each county from which waste was received at the facility. Documentation that a copy of the report has been forwarded to the county managers must be sent to the Regional Waste Management Specialist by the date due on the prescribed annual facility report form.

PART II: MISCELLANEOUS SOLID WASTE MANAGEMENT CONDITIONS, (SPECIFY)
(Not Applicable)

- *End of Permit Conditions* -

I do hereby certify that the attached PERMIT TO OPERATE is an exact and true original of PERMIT NUMBER 26-09T for the CITY OF FAYETTEVILLE Transfer Station.

Geoffrey H. Little
Environmental Engineer II
Solid Waste Section
Division of Waste Management

North Carolina

WAKE County

I, BETTY JO STANFIELD, Notary Public for WAKE County,

North Carolina, do hereby certify that Geoffrey H. Little, Environmental Engineer II of the Permitting Branch, Solid Waste Section, Division of Waste Management, NCDENR, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal,

This the _____ day of ____, 2009.

OFFICIAL SEAL

NOTARY PUBLIC

My commission expires DECEMBER 29, 2009.

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.

NOTICE

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 CUMBERLAND COUNTY AND SAID PROPERTY BEING OWNED BY CITY OF FAYETTEVILLE AND FURTHER IDENTIFIED BY THE DEEDS RECORDED AS LISTED BELOW:

Cumberland County NC Register of Deeds			
Book	Page	Grantor	Tract
2664	600-612	Property of the E.A. Poe, III, Estate	8.5
3702	894-899	CSX Transportation, Inc.	0.9
			Total Site Acreage: 9.4

THE PURPOSE OF THIS RECORDATION IS TO NOTIFY FUTURE BUYERS OF SAID PROPERTY THAT SOLID WASTE MANAGEMENT ACTIVITIES HAVE OCCURRED ON THE PROPERTY.