

LCIDN31-B Permit Duplin County
Landfill

DUPLIN
LC10
31-B

REQUEST FOR PROPOSALS

**REMOVAL OF CONTAMINATED SOIL
FROM DUPLIN COUNTY LANDFILL
AND TRANSPORT TO SAMPSON DISPOSAL COMPANY
AND RESTORE LAND AREA TO ORIGINAL CONDITION**

Duplin County is seeking informal proposals for the removal of approximately 4,000 tons of contaminated soil from the Duplin County Landfill, Rose Hill, N.C. to Sampson Disposal Company, Roseboro, N.C. The county is seeking a rate per ton for loading and transporting this soil to Sampson Disposal Company. In addition, there will be approximately five (5) acres that will need to be graded, drained and stabilized once the contaminated soil has been removed. The county is seeking a per acre cost for the acres that need to be graded, drained and stabilized. The County considers this to be one project and the project will be awarded to one vendor. A recommendation of award will be made to the Duplin County Board of Commissioners on October 7, 2002. All work must be completed by November 30, 2002.

Any vendor that quotes on this project will need to provide evidence of liability insurance on vehicles in the amount of \$500,000/\$1,000,000/\$500,000, general liability insurance in the amount of \$1,000,000 and workers' compensation insurance coverage with their quote.

Quotes will be accepted until 3:00 p.m. on Friday, September 20, 2002. The County has the right to reject any or all quotes.

Company Name: _____
Address: _____
Address: _____
Phone No. _____

Quote Per Ton for Loading/Transporting: _____

Quote Per Acre for Grade, Drain, Stabilize _____

Evidence of required insurance must be attached.

I acknowledge that the work will be completed by _____.

Date

Company Representative Signature

CONTAMINATED SOIL/SOIL GRADE, DRAIN & STABILIZE SUMMARY

| Company Name | Soil Removal and Transport Cost/Ton | Cost Per Acre for Grade/Drain and Stabilize | Proof of Vehicle Insurance Y/N | Proof of General Liability Insurance Y/N | Proof of W/C Ins. Y/N | Total Cost for Soil Removal (Cost Per Ton X 4,000) | Total Cost for Grade Drain & Stabilize Cost X 5 | Total Project Cost |
|---------------------------|-------------------------------------|---|--------------------------------|--|-----------------------|--|---|--------------------|
| King Bros. Backhoe Serv. | 6.00 | 150.00 | Yes | No | No | | | |
| Bill Baysden Trucking | 7.57 | 600.00 | Yes | Yes | Yes | \$ 30,280 | \$ 3,000 | \$ 33,280 |
| T & T Trucking | 9.87 | 1490.00 | No | No | No | | | |
| ES & J Enterprises, Inc. | 7.95 | 1000.00 | Yes | Yes | No | | | |
| M.A.C. Grading | 9.25 | 400.00 | Yes | Yes | Yes | 37,000 | 2,000 | 39,000 |
| Multi-State Contracting | 9.15 | 750.00 | Yes | Yes | Yes | 36,600 | 3,750 | 40,350 |
| G.B. Moran Landclearing | 28.00 | 250.00 | Yes | Yes | No | | | |
| Cornell Chasten | 8.50 | 350.00 | Yes | Yes | Yes | 34,000 | 1,750 | 35,750 |
| Roger Chestnutt | 10.62 | 9.93 | No | Yes | Yes | | | |
| BC & T Construction, Inc. | 10.00 | 200.00 | Yes | Yes | Yes | 40,000 | 1,000 | 41,000 |

**CONTRACT FOR CONTAMINATED SOIL REMOVAL
AND TO GRADE, DRAIN AND STABILIZE AREA
HURRICANE FLOYD**

ARTICLE I

Agreement Between Parties

This contract made and entered into on this the _____ day of _____, 20____, by and between the County of Duplin (hereinafter called the ENTITY) and _____ (hereinafter called the CONTRACTOR).

ARTICLE 2

Scope of Work

This contract is issued pursuant to the Solicitation and Procurement on September 20, 2002, for the removal and transport of contaminated soil to Sampson Disposal Co., Inc. of Roseboro and for grading, draining and stabilizing land that that the contaminated soil was stored on SR #1918, Rose Hill, North Carolina. This contaminated soil was stored at this location as a result of materials brought to the landfill due to the sudden natural or man-made disaster of Hurricane Floyd. It is the intent of this contract for the contractor to provide equipment and manpower to remove and transport the contaminated soil from landfill site located on SR #1918 to the Sampson County Disposal Co., Inc. at Roseboro, North Carolina. It will be the responsibility of the contractor to provide equipment and manpower for loading the soil into vehicles owned/leased by the contractor and to transport same at the cost to the contractor to Sampson County Disposal Co., Inc. at Roseboro, North Carolina.

It will be the responsibility of the contractor to provide equipment and manpower for grading, draining and stabilizing the acres upon which the contaminated soil was stored at the landfill site on SR #1918.

ARTICLE 3

Schedule of Work

The work under this contract will commence on _____, 20____. All work must be completed by November 30, 2002, unless the Entity initiates additions or deletions by written change order. Subsequent changes in cost and completion time will be equitably negotiated by both parties pursuant to applicable state law. Liquidated damages shall be assessed at \$200/calendar day for any days over the approved contract amount.

ARTICLE 4**Contract Price**

The unit prices for performing the work stipulated in the contract documents, which have been transposed from the low bidder's bid schedule are as follows:

| Quantity | Unit of Measure | Unit Cost | Total |
|-------------|-----------------|-----------|-----------------|
| 4,000 | Tons | \$7.57 | \$30,280 |
| 5 | Acres | \$600 | \$ 3,000 |
| Grand Total | | | <u>\$33,280</u> |

ARTICLE 5**Payment**

The contractor shall submit certified pay requests for completed work. The Entity shall have 10 calendar days to approve or disapprove the pay request. The Entity shall pay the Contractor for his performance under the contract within 20 days of approval of the pay estimate. On contracts over 30 days in duration, the Entity shall pay the Contractor a pro-rata percentage of the contract amount on a monthly basis, based on the amount of work completed and approved in that month. Payments shall be subject to a retainage of 5% on each payment. Retainage shall be released upon substantial completion of the work.

ARTICLE 6**Claims**

If the Contractor wishes to make a claim for additional compensation for work or materials not clearly covered in the contract, or not ordered by the Entity as a modification to the contract, he shall notify the Entity in writing. The Contractor and the Entity will negotiate the amount of adjustment promptly; however, if no agreement is reached, a binding settlement will be determined by a third party acceptable to both Entity and Contractor under the auspices of applicable state law.

ARTICLE 7

Contractor's Obligations

The Contractor shall supervise and direct the work, using skillful labor and proper equipment for all tasks. Safety of the Contractor's personnel and equipment is the responsibility of the Contractor. Additionally, the Contractor shall pay for all materials, equipment, personnel, taxes, and fees necessary to perform under the terms of the contract. The Contractor recognizes and acknowledges that he is an independent contractor and as such shall hold harmless and indemnify the Entity judgments and

awards alleged to have been caused by services rendered under this contract for disaster relief work.

Any unusual, concealed, or changed conditions are to be immediately reported to the Entity. The Contractor shall be responsible for the protection of existing utilities, sidewalks, roads, building, and other permanent fixtures. Any unnecessary damage will be repaired at the Contractor's expense.

ARTICLE 8

Entity's Obligations

The Entity's representative(s) shall furnish all information, documents and utility locations necessary for commencement of work. Costs of construction permits and authority approvals will be borne by the Entity. A representative will be designated by the Entity for inspecting the work and answering on-site questions.

The Entity shall designate the public and private property areas where the disaster mitigation work is to be performed. Copies of complete "Right of Entry" forms, where they are required by state or local law for private property, shall be furnished to the Contractor by the Entity. The Entity will terminate the contract for failure to perform as specified or for default by the Contractor.

ARTICLE 9

Insurance and Bonds

The Contractor shall furnish proof of Worker's Compensation Coverage, Automobile Coverage, and Comprehensive General Liability Insurance (Premises-Operations, Personal Injury, etc., as deemed necessary by the Entity).

ARTICLE 10

Contractor Qualifications

The Contractor must be duly licensed in the State of North Carolina per statutory requirements.

THIS CONTRACT IS DULY SIGNED BY ALL PARTIES HERETO:

ENTITY:

CONTRACTOR:

Chairman

President/Owner

Attest: Clerk

Secretary/Witness



NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WASTE MANAGEMENT

May 27, 2000

JAMES B. HUNT JR.
GOVERNOR

Mr. James W. Barnhardt, Jr., County Manager
County of Duplin
P.O. Box 910
Kenansville, North Carolina 28349

BILL HOLMAN
SECRETARY

Subject: County of Duplin Land Clearing and Inert Debris Landfill
Duplin County Landfill, Register Township, Duplin County, North Carolina
Permit # 31-B

WILLIAM L. MEYER
DIRECTOR

Dear Mr. Barnhardt:

Enclosed please find a Solid Waste Permit, Conditions of the Solid Waste Permit, and a Certified Copy of the Solid Waste Permit for the above referenced Land Clearing & Inert Debris(LCID)landfill. This is a PERMIT TO CONSTRUCT AND OPERATE, issued in accordance with Section .0201© and consistent with Section .0203 and .0563(6)(c) of the Solid Waste Management Rules 15A NCAC 13B. PHASE 1 is approved for operation as shown on sheets 4 of 6 and 5 of 6, to an elevation of 55 mean sea level, in the approved plans. The issuance of this permit does not exempt an applicant from any local ordinances that may regulate a facility and the responsibility of compliance with any applicable ordinance lies with the permit holder.

Please note Condition No. 3, which states that this permit shall not be effective unless the certified copy is filed in the Register of Deeds office and the copy is returned to the Solid Waste Section, within thirty (30) working days, from date received, with the page and book number, date of recordation, and Register's seal.

Also note Condition No. 9, which requires that a pre-operative meeting be held and that outlines the pre-operative conditions that need to be met prior to operation of the horizontal expansion. Please contact Joe Gallo, Regional Environmental Technician when you are ready to schedule this meeting. Mr. Gallo can be reached in our Wilmington Regional Office at (910) 395-3900. If you have questions about your permit, please contact me at (910) 486-1191.

Sincerely,

Jim Barber

Eastern Area Engineer
Solid Waste Section

cc: Jim Coffey Mark Fry
Joe Gallo Harrison Lanier

Raleigh Central File: Permit # 31-B : Duplin County file



1646 MAIL SERVICE CENTER, RALEIGH, NORTH CAROLINA 27699-1646
401 OBERLIN ROAD, SUITE 150, RALEIGH, NC 27605
PHONE 919-733-4996 FAX 919-715-3605

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER - 50% RECYCLED/10% POST-CONSUMER PAPER

CERTIFIED COPY OF SOLID WASTE PERMIT

I do hereby certify that the attached permit is an exact and true copy of Permit Number 31-B.

James C Coffey
James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

North Carolina

Wake County

I, B. J. Stanfield, Notary Public for said County and State, do hereby certify that JAMES C. COFFEY personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 26 day of May, 2000.



B. J. Stanfield
Notary Public

My commission expires DECEMBER 29, 2004.

PERMIT NUMBER: 31-B
ORIGINAL DATE ISSUED: 05/27/00

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
1646 MAIL SERVICE CENTER; RALEIGH, N.C. 27699-1646

SOLID WASTE PERMIT

COUNTY OF DUPLIN

is hereby issued a PERMIT TO CONSTRUCT AND OPERATE

PHASE 1(footprint to elevation 55 msl) of a

LAND CLEARING AND INERT DEBRIS LANDFILL

on property identified in Deed Book 931 and Page 766, located at the Duplin County Landfill, on S.R. 1918 in the Register Township, Kenansville, Duplin 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 in the permit application and the site drawings.


James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

PERMIT NUMBER: **31-B**
ORIGINAL DATE ISSUED: 05/27/00
FACILITY NAME: COUNTY OF DUPLIN LAND CLEARING &
 INERT DEBRIS LANDFILL - PHASE #1
 DUPLIN COUNTY LANDFILL - KENANSVILLE, NC

CONDITIONS OF PERMIT

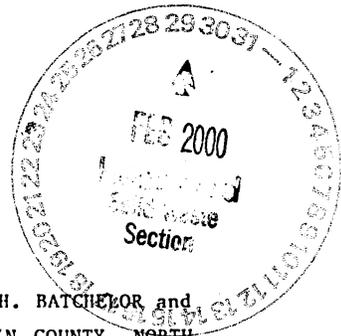
1. This permit to operate is issued for a period not to exceed five years from date of issuance, 27 May 2005. This permit is for the operation of the landfill Phase 1(Phase 1 will consist of the proposed site footprint up to an elevation of 55 feet mean sea level) according to the approved plans revision date 18 October 1999 and received 29 February 2000. Any revisions of these approved plans must be approved by the North Carolina Solid Waste Section.
2. 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.
3. **This permit shall not be effective unless the certified copy is filed 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 shall be returned to the Division of Solid Waste Management, within **THIRTY (30)** working days, from date received. Please send the recorded permit copy to:
 SOLID WASTE SECTION
 225 GREEN STREET; SUITE 601
 FAYETTEVILLE, NORTH CAROLINA 28301
 ATTN: JIM BARBER
4. When this property is sold, leased, conveyed, or transferred, the deed or other instrument of transfer shall contain in the deed 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 land clearing and inert debris landfill.
5. This facility is permitted to receive land clearing waste, yard trash, untreated and unpainted wood, and inert debris such as rock, brick, concrete, concrete block, and uncontaminated soil. Waste acceptance requirements may be affected by future revisions and amendments to the NC General Statutes, or to the NC Solid Waste Management Rules.
6. Waste shall be placed a minimum of four (4) feet above the seasonal high water table.
7. This facility shall conform to the operational requirements of the NC Solid Waste Management Rules, 15A NCAC 13B .0566, and to the operational plan required by 15A NCAC 13B .0565(4) prepared by McDavid & Associates, Inc..

PERMIT NUMBER: **31-B**
ORIGINAL DATE ISSUED: 05/27/00
FACILITY NAME: COUNTY OF DUPLIN LAND CLEARING &
INERT DEBRIS LANDFILL - PHASE #1
DUPLIN COUNTY LANDFILL - KENANSVILLE, NC

8. This permit is not transferable.
9. The following requirements shall be met **prior** to receiving solid waste, at the site:
 - a. A site inspection and pre-operative meeting shall be conducted by a representative of the Solid Waste Section.
 - b. A sign shall be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements, 15A NCAC 13B .0566 (16).
 - c. Survey stakes/posts shall be installed to delineate the corners of Phase #1.
 - d. Certification by a register engineer or the project engineer that the required amount of structural fill needed to provide for the separation of four feet to seasonal high groundwater, as shown on the approved plans, shall be submitted to the Solid Waste Section.
10. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L.
11. An approved sedimentation and erosion control plan shall be obtained prior to the beginning of earth disturbing activities and all such activities shall be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4) along with any other state, federal or local requirements.
12. Open burning of land clearing waste is **PROHIBITED**.

Prepared by Naomi E. Morris
NORTH CAROLINA
DUPLIN COUNTY

BOOK 931 PAGE 766



THIS DEED made this 6th, day of June, 1984, by JOHN H. BATCHELOR and wife, ETTA W. BATCHELOR, parties of the first part, to DUPLIN COUNTY, NORTH CAROLINA, party of the second part;

W I T N E S S E T H :

That, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to them in hand paid by the party of the second part, the receipt of which is hereby acknowledged, the parties of the first part have bargained and sold, and do hereby bargain, sell and convey unto the party of the second part, its successors and assigns, in fee simple, that certain parcel or tract of land lying and being situate in Duplin County, North Carolina, and more particularly described as follows:

BEGINNING at an iron pipe in the center of Secondary Road No. 1918 a new corner directly above the center of a 30 inch concrete culvert, said culvert being located 1.8 miles as measured in an easterly direction along Secondary Road No. 1918 from its intersection with Secondary Road No. 1915; running thence from said beginning so located with the center of Secondary Road No. 1918 North 69 deg. 04 min. West 1102.84 feet to a point in the center of said road at the approximate P.C. of a curve; thence continuing with the center of said road as it curves a chord of which is North 78 deg. 16 min. West 148.20 feet to an iron pipe a new corner; thence with a ditch South 10 deg. 45 min. East 441.47 feet to an iron pipe at the intersection of another ditch a new corner; thence with said other ditch and beyond North 84 deg. 15 min. West 291.14 feet to an iron pipe a new corner; thence to and with a ditch North 16 deg. 53 min. West 87.03 feet to an iron pipe in said ditch a new corner; thence South 86 deg. 10 min. West 524.31 feet to an iron pipe in a ditch a new corner in Willie D. Batts' line; thence with Willie D. Batts line North 08 deg. 58 min. East 276.95 feet to an iron pipe in the center of Secondary Road No. 1918, Willie D. Batts' and Brantley Hawes' corner; thence with Brantley Hawes' line North 08 deg. 58 min. East 1697.61 feet to an iron pipe on the edge of Maxwell Creek, Brantley Hawes' corner; thence down the run of Maxwell Creek points along which are located North 63 deg. 45 min. East 173.70 feet, North 11 deg. 21 min. East 208.15 feet, North 34 deg. 16 min. East 269.49 feet, North 1° deg. 19 min. East 194.03 feet, North 58 deg. 59 min. East 365.30 feet, North 74 deg. 18 min. East 170.46 feet, South 28 deg. 02 min. East 425.11 feet, North 89 deg. 43 min. East 258.30 feet, South 82 deg. 25 min. East 229.30 feet, South 56 deg. 35 min. East 279.08 feet, South 03 deg. 55 min. West 230.22 feet, South 30 deg. 55 min. East 171.47 feet, South 48 deg. 32 min. East 201.43 feet, and South 41 deg. 44 min. East 117.65 feet to the run of Rice Ground Branch; thence up the run of Rice Ground Branch and the East prong about 2100 feet to an iron pipe in the center of Secondary Road No. 1918 directly above the center of a 24 inch concrete culvert in the run of the east prong of Rice Ground Branch; thence continuing up the east prong of the run of Rice Ground Branch points along which are located South 19 deg.

CONVEYANCE NOTED

By August 2, 1984
Naomi E. Morris
Tax Collector

05 min. East 110.96 feet, South 23 deg. 38 min. East 187.54 feet, South 32 deg. 14 min. East 287.52 feet, and South 15 deg. 10 min. East 224.18 feet to an old pine corner at the head of the east prong of Rice Ground Branch; thence with a ditch and beyond South 72 deg. 09 min. West 509.25 feet to an iron pipe a new corner; thence to and with a ditch North 31 deg. 07 min. West 469.74 feet to an iron pipe a new corner at the intersection of another ditch; thence with said other ditch South 77 deg. 58 min. West 387.34 feet to an iron pipe in the edge of a ditch a new corner; thence with said ditch and the west prong of Rice Ground Branch North 05 deg. 34 min. East 449.33 feet to an iron pipe in the West prong of Rice Ground Branch a new corner; thence continuing down the run of the west prong of Rice Ground Branch North 26 deg. 47 min. East 127.68 feet to an iron pipe in the run of said branch; thence continuing down the run of the west prong of Rice Ground Branch North 21 deg. 06 min. East 161.21 feet to the BEGINNING, containing about 133 acres, more or less, as surveyed during November, 1972, by Robert J. Salmon, Jr., a Registered Land Surveyor. The above described tract or parcel of land being a portion of the land which was conveyed to George Robert Dickson by R. B. Dickson and wife Catherine C. Dickson by deed dated October 19, 1972, and is recorded in Book 737, Page 145, of the Duplin County Registry. And further being the same land described in a deed from George Robert Dickson and wife, to Daniel J. Fussell, Jr., and David G. Fussell, by deed dated December 4, 1972, and recorded in Book 741, Page 310, of the Duplin County Registry.

TO HAVE AND TO HOLD the aforesaid parcel or tract of land, together with the privileges and appurtenances thereunto belonging or in anywise appertaining, unto the said party of the second part, its successors and assigns, in fee simple.

For the consideration aforesaid, the parties of the first part, for themselves, their executors, administrators and personal representatives, hereby covenant to and with the party of the second part, its successors and assigns, that they are seized of the above-described land in fee and have a good right to convey the same in fee simple; that said parcel or tract of land is free and clear of any and all encumbrances; and that they do warrant and will forever defend the title thereto against the lawful claims of any and all persons whomsoever.

IN TESTIMONY WHEREOF, the parties of the first part have hereunto set their hands and affixed their respective seals, this the day and year first above written.

RECORDED
AUG 28 1974

STATE OF
NORTH
CAROLINA



Real Estate
Excise Tax
133.00

John H. Batchelor (SEAL)
John H. Batchelor

Etta W. Batchelor (SEAL)
Etta W. Batchelor

STATE OF NORTH CAROLINA
COUNTY OF Wilson

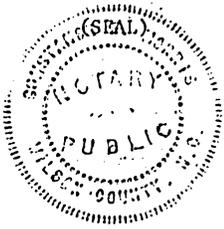
BOOK **931** PAGE **768**

I, Constance E. Morris, a Notary Public in and for said County and State, do hereby certify that John H. Batchelor and wife, Etta W. Batchelor, personally appeared before me this day and acknowledged the due execution of the foregoing deed for the purposes and consideration therein expressed.

Witness my hand and notarial seal, this the 11th day of June, 1984.

Constance E. Morris
Notary Public

My Commission Expires: 3-12-86



NORTH CAROLINA, DEPLIN COUNTY of Constance E. Morris NP
The foregoing or annexed certificate of

is/are certified to be correct
This instrument duly recorded and verified, this 2 day of August, 1984
at 10:47 o'clock A.M. in the Book and Page shown on the first page hereof.
CHRISTINE WILLIAMS ~~is~~, Register of Deeds. By Joyce J. Williams
Deputy Assistant Register of Deeds

Russell Loring file

133.00
- 0 -

ATTACHMENTS

1. Original permit submittal document dated March 1999.
2. Revised permit submittal drawings, revision date 18 October 1999 and received 29 Feb. 2000.
3. Response letter from Milton D. Barnette, dated 28 February 2000, addressing comments outlined in the letter dated 19 May 1999 from Jim Barber.
4. Letter from Ms. Judy C. Brown dated 31 March 1999 addressing zoning.
5. FEMA Flood Insurance Rate Map, received 29 February 2000.
6. Ariel photo of area within 1/4 mile of the Duplin County landfill and proposed LCID landfill.
7. Letter from Solid Waste Section dated 6 April 2000 requesting Erosion Control approval letter.
8. Erosion Control approval letter dated 2 May 2000 from Carol Miller(Land Quality Section Wilmington Regional Office) received by fax from John Crowder on 12 May 2000.

RECEIVED

BOOK 1315 PAGE 338

JUL 20 2000

RECORDED *am*

DIVISION OF WASTE MANAGEMENT
FAYETTEVILLE REGIONAL OFFICE

PERMIT NUMBER: 31-00 MAY 31 PM 3:15
ORIGINAL DATE ISSUED: 05/27/00

JUDYL WILLIAMS WEST
REGISTER OF DEEDS
DUPLIN COUNTY, N.C.

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WASTE MANAGEMENT

1646 MAIL SERVICE CENTER; RALEIGH, N.C. 27699-1646

SOLID WASTE PERMIT

COUNTY OF DUPLIN

is hereby issued a PERMIT TO CONSTRUCT AND OPERATE

PHASE 1 (footprint to elevation 55 msl) of a

LAND CLEARING AND INERT DEBRIS LANDFILL

on property identified in Deed Book 931 and Page 766, located at the Duplin County Landfill, on S.R. 1918 in the Register Township, Kenansville, Duplin 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 in the permit application and the site drawings.

James C Coffey
James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

PERMIT NUMBER: **31-B**
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 FACILITY NAME: COUNTY OF DUPLIN LAND CLEARING &
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 DUPLIN COUNTY LANDFILL - KENANSVILLE, NC

CONDITIONS OF PERMIT

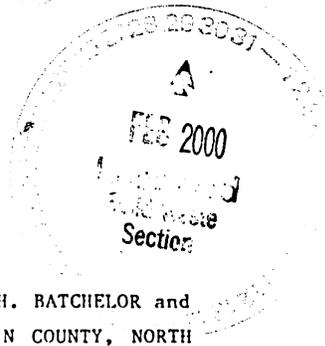
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2. Amendments or revisions to the NC Solid Waste Management Rules or any violation of groundwater standards may necessitate modification of the approved plans or closure of the facility.
3. **This permit shall not be effective unless the certified copy is filed 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 shall be returned to the Division of Solid Waste Management, within **THIRTY (30)** working days, from date received. Please send the recorded permit copy to:
 SOLID WASTE SECTION
 225 GREEN STREET; SUITE 601
 FAYETTEVILLE, NORTH CAROLINA 28301
 ATTN: JIM BARBER
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DUPLIN COUNTY LANDFILL - KENANSVILLE, NC

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Prepared by Naomi E. Morris
NORTH CAROLINA
DUPLIN COUNTY

BOOK 931 PAGE 766

THIS DEED made this 6th, day of June, 1984, by JOHN H. BATCHELOR and wife, ETTA W. BATCHELOR, parties of the first part, to DUPLIN COUNTY, NORTH CAROLINA, party of the second part;

W I T N E S S E T H :

That, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to them in hand paid by the party of the second part, the receipt of which is hereby acknowledged, the parties of the first part have bargained and sold, and do hereby bargain, sell and convey unto the party of the second part, its successors and assigns, in fee simple, that certain parcel or tract of land lying and being situate in Duplin County, North Carolina, and more particularly described as follows:

BEGINNING at an iron pipe in the center of Secondary Road No. 1918 a new corner directly above the center of a 30 inch concrete culvert, said culvert being located 1.8 miles as measured in an easterly direction along Secondary Road No. 1918 from its intersection with Secondary Road No. 1915; running thence from said beginning so located with the center of Secondary Road No. 1918 North 69 deg. 04 min. West 1102.84 feet to a point in the center of said road at the approximate P.C. of a curve; thence continuing with the center of said road as it curves a chord of which is North 78 deg. 16 min. West 148.20 feet to an iron pipe a new corner; thence with a ditch South 10 deg. 45 min. East 441.47 feet to an iron pipe at the intersection of another ditch a new corner; thence with said other ditch and beyond North 84 deg. 15 min. West 291.14 feet to an iron pipe a new corner; thence to and with a ditch North 16 deg. 53 min. West 87.03 feet to an iron pipe in said ditch a new corner; thence South 86 deg. 10 min. West 524.31 feet to an iron pipe in a ditch a new corner in Willie D. Batts' line; thence with Willie D. Batts line North 08 deg. 58 min. East 276.95 feet to an iron pipe in the center of Secondary Road No. 1918, Willie D. Batts' and Brantley Hawes' corner; thence with Brantley Hawes' line North 08 deg. 58 min. East 1697.61 feet to an iron pipe on the edge of Maxwell Creek, Brantley Hawes' corner; thence down the run of Maxwell Creek points along which are located North 63 deg. 45 min. East 173.70 feet, North 11 deg. 21 min. East 208.15 feet, North 34 deg. 16 min. East 269.49 feet, North 18 deg. 19 min. East 194.03 feet, North 58 deg. 59 min. East 365.30 feet, North 74 deg. 18 min. East 170.46 feet, South 28 deg. 02 min. East 425.11 feet, North 89 deg. 43 min. East 258.30 feet, South 82 deg. 25 min. East 229.30 feet, South 56 deg. 35 min. East 279.08 feet, South 03 deg. 55 min. West 230.22 feet, South 30 deg. 55 min. East 171.47 feet, South 48 deg. 32 min. East 201.43 feet, and South 41 deg. 44 min. East 117.65 feet to the run of Rice Ground Branch; thence up the run of Rice Ground Branch and the East prong about 2100 feet to an iron pipe in the center of Secondary Road No. 1918 directly above the center of a 24 inch concrete culvert in the run of the east prong of Rice Ground Branch; thence continuing up the east prong of the run of Rice Ground Branch points along which are located South 19 deg.

CONVEYANCE NOTED

By August 2, 1984
Tax Collector

BOOK 1315 PAGE 343
BOOK 931 PAGE 767

05 min. East 110.96 feet, South 23 deg. 38 min. East 187.54 feet, South 32 deg. 14 min. East 287.52 feet, and South 15 deg. 10 min. East 224.18 feet to an old pine corner at the head of the east prong of Rice Ground Branch; thence with a ditch and beyond South 72 deg. 09 min. West 509.25 feet to an iron pipe a new corner; thence to and with a ditch North 31 deg. 07 min. West 469.74 feet to an iron pipe a new corner at the intersection of another ditch; thence with said other ditch South 77 deg. 58 min. West 387.34 feet to an iron pipe in the edge of a ditch a new corner; thence with said ditch and the west prong of Rice Ground Branch North 05 deg. 34 min. East 449.33 feet to an iron pipe in the West prong of Rice Ground Branch a new corner; thence continuing down the run of the west prong of Rice Ground Branch North 26 deg. 47 min. East 127.68 feet to an iron pipe in the run of said branch; thence continuing down the run of the west prong of Rice Ground Branch North 21 deg. 06 min. East 101.21 feet to the BEGINNING, containing about 133 acres, more or less, as surveyed during November, 1972, by Robert J. Salmon, Jr., a Registered Land Surveyor. The above described tract or parcel of land being a portion of the land which was conveyed to George Robert Dickson by R. B. Dickson and wife Catherine C. Dickson by deed dated October 19, 1972, and is recorded in Book 737, Page 145, of the Duplin County Registry. And further being the same land described in a deed from George Robert Dickson and wife, to Daniel J. Fussell, Jr., and David G. Fussell, by deed dated December 4, 1972, and recorded in Book 741, Page 310, of the Duplin County Registry.

TO HAVE AND TO HOLD the aforesaid parcel or tract of land, together with the privileges and appurtenances thereunto belonging or in anywise appertaining, unto the said party of the second part, its successors and assigns, in fee simple.

For the consideration aforesaid, the parties of the first part, for themselves, their executors, administrators and personal representatives, hereby covenant to and with the party of the second part, its successors and assigns, that they are seized of the above-described land in fee and have a good right to convey the same in fee simple; that said parcel or tract of land is free and clear of any and all encumbrances; and that they do warrant and will forever defend the title thereto against the lawful claims of any and all persons whomsoever.

IN TESTIMONY WHEREOF, the parties of the first part have hereunto set their hands and affixed their respective seals, this the day and year first above written.

RECEIVED
DUPLIN COUNTY

STATE OF
NORTH
CAROLINA
AUG-27-74



Real Estate
Excise Tax
133.00

John H. Batchelor (SEAL)
John H. Batchelor

Etta W. Batchelor (SEAL)
Etta W. Batchelor

CERTIFIED COPY OF SOLID WASTE PERMIT

I do hereby certify that the attached permit is an exact and true copy of Permit Number 31-B.

James C Coffey
James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

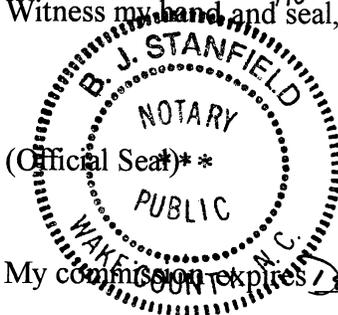
North Carolina

Wake County

I, B. J. Stanfield, Notary Public for said County and State, do hereby certify that JAMES C. COFFEY, Supervisor, Permitting Branch, Solid Waste Section, personally appeared before me

this day and acknowledged the due execution of the foregoing instrument.

Witness my ~~hand~~^{notarial} and seal, this the 26 day of May, 2000.



B. J. Stanfield
Notary Public

My commission expires DECEMBER 29, 2004.

NORTH CAROLINA, Duplin County
The foregoing or annexed certificate... of B. J. Stanfield, NP

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

JOYCE J. WILLIAMS, Just Register of Deeds.
Recorded and verified: Teresa Quinn
By Jure Hombley Deputy Assistant Register of Deeds

\$22.00

DUPLIN COUNTY

Solid Waste Collection & Recycling Department

PO BOX 976 KENANSVILLE, NORTH CAROLINA 28349 PHONE: (910) 289-3091

July 7, 2000

RECEIVED

JUL 20 2000

DIVISION OF WASTE MANAGEMENT
FAYETTEVILLE REGIONAL OFFICE

Mr. Jim Barber
Solid Waste Section
225 Green Street, Suite 601
Fayetteville, North Carolina 28301

Dear Mr. Barber:

Please find enclosed the certified copy of our LCID permit which has been filed in the Duplin County Register of Deeds Office.

Thank you for your assistance in this matter.

Sincerely,

Harrison Lanier

Harrison Lanier
Solid Waste Director





1325

Arliss M. Albertson/D. J. Fussell, Sr./Larry Howard/H. C. Powers/T. Elwood Revelle/Zemie Williams

March 31, 1999

Division of Health Services
Solid Waste Branch
P. O. Box 2091
Raleigh, NC 27602

SUBJECT: LCID Application LCID
Duplin County

Dear Sirs:

Duplin County has zoning authority over the proposed LCID site, and the site is not zoned. This site is on landfill property, and its use as a LCID site is consistent with the surrounding usage.

Should you have questions, please advise.

Sincerely,

A handwritten signature in cursive script that reads "Judy C. Brown".

Judy C. Brown
Assistant County Manager

State of North Carolina
 Department of Environment
 and Natural Resources
 Wilmington Regional Office
 Division of Land Resources
 Land Quality Section

James B. Hunt, Jr., Governor
 Bill Holman, Secretary

| | | | | | |
|-------------------|--------------|---------|--------------|------------|---|
| Post-it® Fax Note | 7671 | Date | 5/12/ | # of pages | 3 |
| To | Jim Barber | From | DC | | |
| Co./Dept. | REC/DWMA- | Co. | WIRO | | |
| Phone # | | Phone # | | | |
| Fax # | 919 733 4810 | Fax # | 910 350 2004 | | |



May 2, 2000

LETTER OF APPROVAL

County of Duplin
 Mr. James W. Barnhardt, Jr., County Manager
 Post Office Box 910
 Kenansville, NC 28349

Project Name: Duplin County Landfill
 Project No.: 000411DU
 Location: Duplin County - Duplin County
 River Basin: White Oak
 Submitted by: McDavid Associates, Inc.
 Date Received: April 19, 2000
 New Submittal

Dear Mr. Barnhardt, Jr.:

This office has reviewed the subject sedimentation and erosion control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. The enclosed Certificate of Approval must be posted at the job site. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B.0029.

Please be advised that Title 15A, of the North Carolina Administrative Code, 4B.0018(a) requires that a copy of the approved plan be on file at the job site. Also, you should consider this letter to give the Notice required by GS 113A-61(a) approved plan. The last page(s) which lists approval comments should be copied and attached to the sedimentation and erosion control plan that is maintained on site.

North Carolina's Sedimentation Pollution Control Program is performance oriented, requiring protection of the natural resources and adjoining properties. If, following the commencement of this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 thru 66), this office may require revisions to the plan and its implementation to insure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with federal and state water quality laws, regulations, and rules. In particular, if wetlands are effected by this land disturbing activity, the provisions of the Clean Water Act as mandated by the Environmental Protection Agency must be adhered to. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Mr. James W. Barnhardt, Jr.
May 2, 2000
Page Two

Please be aware that if five acres are to be disturbed by this project, you will be covered by the enclosed general storm water permit NCG01000 (Construction Activities). You should first become familiar with all of the requirements for compliance with the enclosed general permit.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form which you provided. You are requested to file an amended form if there is any change in the information included on the form. In addition, it would be helpful if you notify this office of the proposed starting date for this project.

We look forward to working with you on this project. If you have any questions, please contact our office.

Sincerely,

Carol N. Miller, CPESC
Assistant Regional Engineer

CNM/dbd

cc: Milton D. Barnett, Jr., PE; McDavid Associates, Inc.
WIRO-LQS

APPROVAL COMMENTS AND CONDITIONS

PROJECT NAME: Duplin County Landfill
PROJECT NUMBER: 000411DU
LOCATION: Duplin County- Duplin County
RIVER BASIN: White Oak
SUBMITTED BY: McDavid Associates, Inc.
DATE RECEIVED: April 19, 2000

1. This plan approval shall expire three (3) years following the date of approval, if no land disturbing activity has been undertaken, as is required by Title 15A NCAC 4B.0029.
2. The developer is responsible for the control of sediment on-site. If the approved erosion measures prove insufficient, the developer must take those additional steps necessary to stop erosion from leaving this site. Each sediment storage device must be inspected after each storm event. Maintenance and/or clean out is necessary anytime the device is at 50% capacity.
3. Any and all existing ditches on this project site are assumed to be left undisturbed by the proposed development unless otherwise noted. The removal of vegetation within any existing ditch or channel is prohibited unless the ditch or channel is to be regraded with side slopes of 2 horizontal to 1 vertical or less steep. Bank slopes may be mowed, but stripping of vegetation is considered new earth work and is subject to the same erosion control requirements as new ditches.
4. The developer is responsible for obtaining any and all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include agencies such as the Division of Water Quality's stormwater regulations, their enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U. S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval; however, in the case of a **Cease and Desist Order** from the Corp of Engineers, that Order would only apply to wetland areas. All highland would still have to be in compliance with the N.C. Sedimentation Pollution Control Act.
5. If any area on site falls within the jurisdiction of Section 401 or 404 of the Clean Water Act, the developer is responsible for compliance with the requirements of the Division of Water Quality or the Corps of Engineers and the Environmental Protection Agency (EPA) respectively. Any erosion control measures that fall within jurisdictional wetland area must be approved by the aforementioned agencies prior to installation of our Section must be notified of a relocation of the measures in question to the transition point between the wetlands and the highlands to assure that the migration of sediment will not occur. If that relocation presents a problems or contradicts any requirements of either agency, or the EPA it is the responsibility of the developer to inform the Land Quality Section regional office so that an adequate contingency plan can be made to assure sufficient erosion control remains on site. Failure to do so will be considered a violation of this approval.
6. Any borrow material brought onto this site must be from a legally operated mine or other approved source. A single use borrow site or an area to waste material is only permissible if it is operated under total control of the Financially Responsible person or firm who is developing this site, is located on or adjacent to this site, and has been incorporated as part of this plan.
7. This permit allows for a land disturbance, as called for on the application plan, not to exceed 15 acres. Exceeding that acreage will be a violation of this permit and would require a revised plan and additional application fee. Any addition in impervious surface, over that already noted on the approved plan, would also require a revised plan to verify the appropriateness of the erosion control measures and stormwater retention measures.

Page 2 of 2

8. **Changes in the North Carolina Sedimentation Pollution Control Act now mandate a shortened time frame in which to reestablish vegetative groundcover. Slopes (including cuts, fills, and ditch banks) left exposed will, within 15 working days or 30 calendar days (whichever is the shorter) after completion of any phase of grading, be planted or otherwise provided with groundcover sufficient to permanently restrain erosion.**



NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WASTE MANAGEMENT

April 6, 2000

JAMES B. HUNT JR.
GOVERNOR

BILL HOLMAN
SECRETARY

WILLIAM L. MEYER
DIRECTOR

Mr. Milton D. Barnette, Jr., P.E.
McDavid Associates, Inc.
P.O. Box 738
Kenansville, North Carolina 28349

Ref: Duplin County Land Clearing & Inert Debris Landfill
Permit Application dated 3/99 and received 4/1/99;
Completeness Review Letter(CRL) dated 5/19/99;
Response to CRL dated 2/28/00 and received 2/29/00;
Phone Conversation dated 3/8/00

Mr. Barnette:

The Solid Waste Section has reviewed your response letter and package of information for the original Land Clearing & Inert Debris(LCID) Landfill Permit Application, submitted by you on behalf of Duplin County. In accordance with the North Carolina Solid Waste Management Rules, the completeness review letter dated 19 May 1999 and our conversation of 8 March 2000; the following items and comments still need to be addressed to continue the review process. Please address the following:

1. Provided a copy of the approved sedimentation and erosion control plan in accordance with .0565 (3) (m) and provide documentation that the site complies with Div. of Water Quality requirements for "General NPDES PERMITS FOR STORM WATER".

The comments and items requested are intended to expedite the review of the application. The Solid Waste Section reserves the right to request any additional information during and following the technical review process.

If you have any questions or require any assistance, please do not hesitate to contact me at (910) 486-1191.

Thank you,


Jim Barber
Eastern Area Engineer
Permitting Branch
Solid Waste Section

copy: Jim Coffey Mark Fry
John Crowder Joe Gallo
Harrison Lanier



1646 MAIL SERVICE CENTER, RALEIGH, NORTH CAROLINA 27699-1646
401 OBERLIN ROAD, SUITE 150, RALEIGH, NC 27605
PHONE 919-733-4996 FAX 919-715-3605

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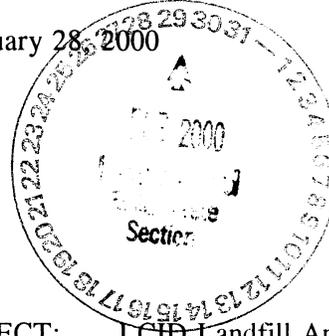
McDAVID ASSOCIATES, INC.

Engineers • Planners • Land Surveyors

CORPORATE OFFICE
(252) 753-2139 • Fax (252) 753-7220
120 N. Main Street • P.O. Drawer 49
Farmville, NC 27828

GOLDSBORO OFFICE
(919) 736-7630 • Fax (919) 735-7351
109 E. Walnut Street • P.O. Box 1776
Goldsboro, NC 27533

February 28, 2000



Jim Barbour
Division of Waste Management
Solid Waste Section
401 Oberlin Road, Suite 150
Raleigh, NC 27605

SUBJECT: LCID Landfill Application
Duplin County

Dear Jim:

This letter is written in response to the May 19, 1999 preliminary review letter from your office for the subject site. Please note the following:

1. a. The site is not located in the 100 year floodplain.
- b. The facility will not cause or contribute to the taking of any endangered or threatened species of plants, fish or wildlife.
- c. The facility will not result in the destruction or adverse modification of the critical habitat of species identified in 50 CFR Part 17.
- d. The facility will not damage or destroy an archeological or historic site.
- e. The facility will not cause an adverse impact on a state park, recreation or science area, or any other lands included in the state nature and historic preserve.
- f. The facility is not located in a 404B wetland.
- g. Adequate and suitable soils are available for cover from the County owned site across NCSR 1918.
- h. Enclosed is a copy of the FEMA map for the site.
2. The buffer on the east side of the site has been better noted to show 100'.
3. A copy of the deed for the site (Book 931, page 766) is included.
4. Fires will be handled by the 4 local fire departments from the Kenansville, Rose Hill, Greenevers, and Magnolia areas. Rescue units from these same areas are available for other emergencies. Soil is available for fire suppression from the area across NCSR 1918.

5. Enclosed is a map which shows the following:
 - a. The entire property owned by the County for this site.
 - b. Listed below are various items and their proximity to the site and 1/4 mile.
 - (1) Homes - none
 - (2) Buildings (non landfill related) - none
 - (3) Public utilities - a County water line is located adjacent to the site on SR 1918
 - (4) Private utilities - none
 - (5) Roads - SR 1918 is located adjacent to the site
 - (6) Wells - none
 - (7) Water courses - none
 - (8) Water/impoundments - none.
 - c. The 100 year floodplain boundary is not located within 1/4 mile of the site.
 - d. Wetland boundaries are not located within 1/4 mile of the site.
 - e. No known historical or archeological sites are located within 1/4 mile of the site.
 - f. No park, scenic or recreational areas are located within 1/4 mile of the site.
6. Enclosed is a copy of the completed "Storm water Management Permit Application Form." The proposed facility will not:
 - a. Cause a discharge of pollutants into waters of the State that is in violation of the requirements of NPDES.
 - b. Cause a discharge of dredged or fill material into the waters of the State that is in violation of Section 404 requests.
 - c. Cause a non-profit source pollution of waters of the State that violates assigned water quality standards.

7.

The County is applying for a sedimentation and erosion control plan.

8. a. The individual responsible for operation and maintenance of the facility is:

Harrison Lanier
 Duplin County
 P.O. Box 976
 Kenansville, NC 28349
 Phone: (910) 289-3091

- b. Upon completion of the landfill, the land will be used as "open space."



- c. Systematic Usage:
- (1) Areas under the fill area shall be filled to an elevation of approximately 40' with positive drainage.
 - (2) The primary sediment basin shall be installed at the north-west corner of the site.
 - (3) LCID shall be installed in the fill area in appropriate 5' lifts. Filling shall be completed in this manner to within 1' of final elevations.
 - (4) The final cover and slope drains shall be installed on any completed area.
 - (5) Ground cover must be installed in a manner to prevent erosion to the greatest extent possible.
- d. The facility shall receive land clearing waste, inert debris, untreated wood and yard trash only.
- e. Emergencies shall be handled through the fire and rescue units from nearby towns in coordination with the County Emergency Management program.

I hope this information will allow continued review of this application. If additional information is needed, please contact me at (252) 753-2139.

Sincerely,

McDAVID ASSOCIATES, INC.



Milton D. Barnette, Jr., P.E.
Farmville Office

MDB:scs
Enclosures
cc: Judy Brown



North Carolina Department of Cultural Resources

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary

Division of Archives and History
Jeffrey J. Crow, Director

MEMORANDUM

TO: Terry Dover
NC Division of Solid Waste

FROM: David Brook, Deputy State Historic Preservation Officer *David Brook*

DATE: October 6, 1999

RE: Review of debris staging/storage sites

As a result of the meeting this morning between Jim Barber of the Division of Solid Waste and staff of the Office of State Archaeology, we would like to offer further guidance on which debris staging/storage sites need review.

Due to previous ground disturbing activities, proposed locations such as NC Department of Transportation yards, existing borrow pits, existing mines, previously developed areas (such as industrial parks) and existing landfills are unlikely to contain significant archaeological resources. As a consequence, our office does not need to review these locations.

We have looked at the form for review information submitted by Mr. Barber and believe it should be sufficient for our needs. If you have any questions, or if your field personnel need further clarification, please do not hesitate to contact Dolores Hall or Stephen Claggett at (919) 733-7342. We look forward to working with you and your staff.



.0510 CLOSURE CONDITIONS

(a) When the disposal site has been closed in accordance with Rule .0505 of this Subchapter, the operator shall:

- (1) Notify the Division in writing in order that a site inspection may be made by the Division to determine compliance with closure procedures; and
- (2) Provide test holes, as specified by the Division, to determine compliance for final cover.

(b) An inspection shall be made by a representative of the Division and a written statement will be supplied to the operator concerning the closure of the site.

(c) When a solid waste disposal site has been closed in accordance with the requirements of the Division, future necessary maintenance and water quality monitoring shall be the responsibility of the owner and the operator and shall be specified in the closure letter.

(d) When a solid waste disposal site has been closed in accordance with the requirements of the Division, the permit is terminated. Any future disposal at the site shall require a new permit.

History Note: Statutory Authority G.S. 130A-294; Eff. April 1, 1982; Amended Eff. Sep. 1, 1990; February 1, 1988.

.0511 THRU .0559 RESERVED FOR FUTURE CODIFICATION**.0560 LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS**

Rules .0560 - .0566 of Title 15A Subchapter 13B of the North Carolina Administrative Code (T15A.13B .0560 - .0566); have been adopted covering the siting, design, and permitting of land clearing and inert debris landfills, effective January 4, 1993.

History Note: Statutory Authority G.S. 130A-293; Eff. January 4, 1993.

.0561 RESERVED FOR FUTURE CODIFICATION**.0562 BENEFICIAL FILL**

A permit is not required for beneficial fill activity that meets all of the following conditions:

- (1) The fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel.
- (2) The fill activity involves no excavation.
- (3) The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.
- (4) The fill activity is not exempt from, and must comply with, all other applicable Federal, State, and Local laws, ordinances, rules, and regulations, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, mining regulations, sedimentation and erosion control regulations. Fill activity shall not contravene groundwater standards.

History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1993.

**.0563 APPLICABILITY REQ. FOR LAND CLEARING/INERT DEBRIS (LCID)
LANDFILLS**

Management of land clearing and inert debris shall be in accordance with the State hierarchy for managing solid waste as provided for under G.S. 130A-309.04(a). Disposal in a landfill is considered to be the least desirable method of managing land clearing and inert debris. Where landfilling is necessary, the requirements of this Rule apply.

- (1) An individual permit from the Division of Solid Waste Management is not required for Land Clearing and Inert Debris (LCID) landfills that meet all of the following conditions:
 - (a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management.
 - (b) The total disposal area is under two acres in size.
 - (c) The facility and practices comply with the siting criteria under Rule .0564, and operational requirements under Rule .0566.
 - (d) The fill activity is not exempt from, and must comply with all other Federal, State, or Local laws, ordinances, Rules, regulations, or orders, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, sedimentation and erosion control requirements, and mining regulations.
- (2) Where an individual permit is not required, the following applies:
 - (a) The owner of the land where the landfill is located must notify the Division on a prescribed form, duly signed, notarized, and recorded as per Sub-item (2)(b) of this Rule. The operator of the landfill, if different from the land owner, shall also sign the notification form.
 - (b) The owner must file the prescribed notification form for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording shall be sent to the Division of Solid Waste Management.
 - (c) When the land on which the Land Clearing and Inert Debris Landfill 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 Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification.
- (3) An individual permit is required, except for landfills subject to Item (5) of this Rule, for the construction and operation of a Land Clearing and Inert Debris (LCID) landfill when:
 - (a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management, and
 - (b) The total disposal area is greater than two acres in size.
- (4) Individual permits for land clearing and inert debris landfills shall be issued for not

more than five years.

- (5) Landfilling of land clearing and inert debris generated solely from, and within the right of way of, North Carolina Department of Transportation projects shall be subject to the following:
 - (a) Only waste types as described in Sub-item (1)(a) of this Rule may be disposed of within the Department of Transportation right of way.
 - (b) Waste is landfilled within the project right of way from which it was generated.
 - (c) The disposal area shall not exceed two contiguous acres in size.
 - (d) Disposal sites shall comply with the siting requirements of Rule .0564 of this Section except for Item (10).
 - (e) Disposal sites are not subject to the requirements of Item (2) of this Rule and Rule .0204 of this Subchapter.
- (6) Landfills that are currently permitted as demolition landfills are required to comply with the following:
 - (a) Only waste types as described in Sub-item (3)(a) of this Rule may be accepted for disposal, as of the effective date of this Rule unless otherwise specified in the existing permit.
 - (b) Operations must be in compliance with Rule .0566 of this Section as of the effective date of this Rule.
 - (c) Existing demolition landfills must comply with the siting criteria requirements of these Rules as of January 1, 1998 or cease operations and close in accordance with these Rules.

History Note: Statutory Authority G.S. 130A-294; 130A-301; Eff. January 4, 1993.

.0564 SITING CRITERIA FOR LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS

The following siting criteria shall apply for Land Clearing and Inert Debris (LCID) landfills:

- (1) Facilities or practices, shall not be located in the 100-year floodplain.
- (2) Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
- (3) Facilities or practices shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17 which is hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Solid Waste Management, 401 Oberlin Road, Raleigh, North Carolina 27605 where copies can be obtained at no cost.
- (4) Facilities or practices shall not damage or destroy an archaeological or historical site.
- (5) Facilities or practices shall not cause an adverse impact on a state park, recreation or scenic area, or any other lands included in the state nature and historic preserve.
- (6) Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).
- (7) It must be shown that adequate suitable soils are available for cover, either from on or off site.
- (8) Land Clearing and Inert Debris landfills shall meet the following surface and ground water requirements:
 - (a) Facilities or practices shall not cause a discharge of pollutants into waters of the state

SEE LTR FROM DAVID & MIKE BROOK DARWENTZ
 Across S.R. 1518
 E.S. P.M.

that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), under Section 402 of the Clean Water Act, as amended.

- (b) Facilities or practices shall not cause a discharge of dredged materials or fill material into waters of the state that is in violation of the requirements under Section 404 of the Clean Water Act, as amended. *NO DREDGING. / FILL TO BE PLACED AND SIE DEVICES INSTALLED*
- (c) Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards. *NO*
- (d) Waste in landfills with a disposal area greater than two acres shall be placed a minimum of four feet above the seasonal high water table, except where an alternative separation is approved by the Division. *FILL TO BE PLACED IN SOUTH PORTION.*
- (e) Waste in landfills with a disposal area less than two acres shall be placed above the seasonal high water table.
- (9) The facility shall meet the following minimum buffer requirements:
 - (a) 50 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212.
 - (b) 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells.
 - (c) Buffer requirements may be adjusted as necessary to insure adequate protection of public health and the environment.
- (10) The facility shall meet all requirements of any applicable zoning ordinance.

History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1993.

.0565 APPLICATION REQUIREMENTS FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS

Five sets of plans, maps, and reports shall be required with each application. The seal of a professional engineer is required when submitting plans for a Land Clearing and Inert Debris (LCID) landfill.

- (1) The following information is required in order to review and approve the siting of a Land Clearing and Inert Debris (LCID) landfill:
 - (a) An approval letter from the unit of local government having zoning authority over the area where the facility is to be located stating that the site meets all of the requirements of the local zoning ordinance, or that the site is not zoned. *LTR. DATED 31 MARCH 1998.*
 - (b) Location on a county road map.
 - (c) Information showing that the bottom elevation of the waste shall be four feet above the seasonal high water table. Seasonal high water table elevations shall be obtained from on site test borings, test pits, or from other geological or water table investigations, studies, or reports from the immediate area of the proposed facility. *ARMSTRONG ASSOC ASSESSMENT REPORT FEB 1998*
 - (d) A written report indicating that the facility shall comply with all the requirements set forth under Rule .0564 of this Section. *NEED H₂O ELEV. AUG. 1998*
 - (e) A copy of the deed or other legal description of the site that would be sufficient as a description in an instrument of conveyance, showing property owner's name.
 - (f) Any other information pertinent to the suitability of the proposed facility.
- (2) The following shall be provided on a map or aerial photograph with a scale of at least one inch equals four hundred feet showing the area within one-fourth mile of the site:
 - (a) Entire property or portion thereof owned or leased by the person providing the

disposal site.

(b) Location of all homes, buildings, public or private utilities, roads, wells, watercourses, water or other impoundments, and any other applicable features or details.

(c) 100-year flood plain boundaries, if any.

(d) Wetland boundaries, if any.

(e) Historical or archaeological sites, if any.

(f) Park, scenic, or recreation area boundaries, if any.

(3) Development and design plans and details, at a scale of at least one inch equals one hundred feet with one inch equals forty feet preferred, and specifications containing the following information shall be submitted with the application for a proposed Land Clearing and Inert Debris (LCID) landfill:

(a) Property or site boundary, fully dimensioned with bearings and distances, tied to North Carolina grid coordinates where reasonably feasible.

(b) Easements and right-of-ways.

(c) Existing pertinent on site and adjacent structures such as houses, buildings, wells, roads and bridges, water and sewer utilities, septic fields, and storm drainage features. *LANDFILL STRUCTURES ONLY.*

(d) Proposed and existing roads, points of ingress and egress along with access control such as gates, fences, or berms.

(e) Buffer and set back lines along with the buffered boundary or feature.

(f) Springs, streams, creeks, rivers, ponds, and other waters and impoundments.

(g) Wetlands, if any.

(h) Boundary of the proposed waste area.

(i) Existing topography with contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify existing topographic conditions.

(j) Proposed excavation, grading, and final contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading. Excavation, grading, and fill material side slopes shall not exceed three to one (3:1).

(k) Where on site borrow for operational and final cover is proposed, indicate the borrow excavation and grading plan with contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading.

(l) Proposed surface water control features and devices such as slope drains, storm water pipes, inlets, culverts, and channels.

(m) Information showing that the project meets the requirements of 15A NCAC 4, Sedimentation Control Rules.

(n) Location of test borings or test pits, if used to determine the seasonal high water table elevation, shall be shown on the plans. *MW 3, MW 10, PZ #6 FILL TO EL. 40.75'*

(o) A minimum of two cross-sections, one each along each major axis, per operational area showing:

(i) Original elevations.

(ii) Proposed excavation.

(iii) Proposed final elevations.

(4) An operational plan addressing the requirements under Rule .0566 of this Section and containing the following information shall be submitted with the application for a proposed Land Clearing and Inert Debris (LCID) landfill:

- (a) Name, address, and phone number of individual responsible for operation and maintenance of the facility.
- (b) Projected use of the land after completion.
- (c) Description of systematic usage of disposal area, operation, orderly development and closure of the landfill.
- (d) Type, source, and quantity of waste to be accepted. Volume / yr.
For Phasico
- (e) An emergency contingency plan, including fire fighting procedures.

History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1993.

.0566 OPERATIONAL REQ. FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS

Land Clearing and Inert Debris (LCID) landfills shall meet the following operational requirements:

- (1) Operational plans shall be approved and followed as specified for the facility.
- (2) The facility shall only accept those solid wastes which it is permitted to receive.
- (3) Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.
- (4) Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
- (5) 120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. The Division may require further action in order to correct any condition which is or may become injurious to the public health, or a nuisance to the community.
- (6) Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- (7) Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
- (8) The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall 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.
- (9) Access roads shall be of all-weather construction and properly maintained.
- (10) Surface water shall be diverted from the working face and shall not be impounded over waste.
- (11) Solid waste shall not be disposed of in water.
- (12) Open burning of solid waste is prohibited.
- (13) The concentration of explosive gases generated by the facility shall not exceed:
 - (a) Twenty-five percent of the lower explosive limit for the gases in facility structures.
 - (b) The lower explosive limit for the gases at the property boundary.
- (14) Leachate shall be properly managed on site through the use of current best management practices.
- (15) Should the Division deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter.

- (16) A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number. The permit number requirement is not applicable for facilities not requiring an individual permit.

History Note: Statutory Authority G.S. 130A-294; Eff. January 4, 1993.

SECTION .0600 - MONITORING REQUIREMENTS

Rules .0601 - .0602 of Title 15A Subchapter 13B of the North Carolina Administrative Code (T15A.13B .0601 - .0602); have been transferred and recodified from Rules .0601 - .0602 of Title 10 Subchapter 10G of the North Carolina Administrative Code (T10.10G .0601 - .0602), effective April 4, 1990.

.0601 GROUND-WATER MONITORING

(a) The Division shall require a solid waste management facility to provide such ground-water monitoring capability as the Division determines to be necessary to detect the effects of the facility on ground-water in the area. In making such a determination, the Division shall consider the following factors:

- (1) the design of the facility, the nature of the processes it will use, and the type of waste it will handle;
- (2) soil and other geological conditions in the area;
- (3) nearness of ground-water to the facility;
- (4) uses that are being or may be made of any ground-water that may be affected by the facility; and
- (5) any other factors that reasonably relate to the potential for ground-water effects from the facility.

(b) Responsibility for sample collection and analysis will be defined as a part of the permit condition.

(c) Any other information that the Division deems pertinent to the development of a ground-water monitoring system will be required.

(d) All monitoring wells required pursuant to this Rule shall comply with monitoring well construction standards of 15A NCAC 2C .0105. Copies of 15A NCAC 2C may be obtained from and inspected at the Division.

(e) A record of well installation shall be filed with the Division upon completion of the monitoring wells.

(f) Groundwater quality monitoring wells shall be constructed of materials, and by procedures, approved by the Division.

History Note: Statutory Authority G.S. 130A-294; Eff. April 1, 1982; Amended Eff. September 1, 1990; August 1, 1988; January 1, 1985.

.0602 SURFACE WATER MONITORING

(a) The Division shall require a solid waste management facility to provide such surface water monitoring capability as the Division determines to be necessary to detect the effects of the facility on surface water in the area. In making such a determination, the Division shall consider the following factors:

- (1) the design of the facility, the nature of the process it will use, and the type of waste it will handle;

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WASTE MANAGEMENT

May 19, 1999



JAMES B. HUNT JR.
GOVERNOR

WAYNE McDEVITT
SECRETARY

WILLIAM L. MEYER
DIRECTOR

Mr. Milton D. Barnette, Jr., P.E.
McDavid Associates, Inc.
P.O. Box 738
Kenansville, North Carolina 28349

Ref: Duplin County Land Clearing & Inert Debris Landfill
Permit Application dated March 1999 and received 1 April
1999.

Mr. Barnette:

The Solid Waste Section has conducted a preliminary review of the Land Clearing & Inert Debris (LCID) Landfill Permit Application, submitted by you on behalf of Duplin County. In accordance with the North Carolina Solid Waste Management Rules, the following items and comments must be addressed to continue the review process. Please address the following:

1. Items listed in Section .0564 (1) thru (7) need to be addressed. If this information has been addressed in previous submittals for the closed MSW landfill, then provide copies of the corresponding letters from the appropriate agencies. Also, Please provide a copy of the referenced FEMA map that corresponds to this site and/or area of Duplin County.
2. The buffer to the eastern property line for the expansion area shall meet the requirements of .0564(9)(b) in that a 100' buffer is required; unless the county owns the adjacent property and is willing to incorporate this property into the property described by deed in book 931, page 766.
3. Provide a copy of the Deed recorded in book 931 page 766 as required by .0565(1)(e).
4. Address how fires or other emergencies will be handled at the proposed facility. Will a local fire department respond to a fire at the proposed facility, will soil be used for fire suppression?
5. Provide a copy of a map or aerial photograph that addresses .0565(2)(a) thru (f).

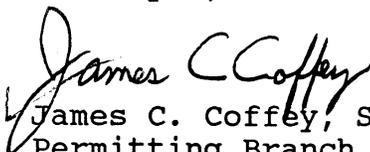
Mr. Barnette
Page 2
May 19, 1999

- 6. .0564 (8)(a,b,c) Please address and included with this review letter is a copy of a memo from DEM on "GENERAL NPDES PERMITS FOR STORMWATER". Please indicate wether or not the appropriate stormwater permits have been acquired.
- 7. Provided a copy of the approved sedimentation and erosion control plan in accordance with .0565 (3) (m) and provide documentation that the site complies with Div. of Water Quality requirements for "General NPDES PERMITS FOR STORMWATER".
- 8. Provide a operational plan that addresses the operations of the LCID Landfill consistent with .0565 (4). Restating the operational rules on the drawings is not adequate.

The comments and items requested are intended to expedite the review of the application. The Solid Waste Section reserves the right to request any additional information during and following the technical review process.

If you have any questions or require any assistance, please do not hesitate to contact me at (919) 733-0692 Ext: 255 or Tim Jewett at (336) 771-4608 Ext: 204.

Thank you,


James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

copy: Terry Dover
John Crowder
Joe Gallo
Tim Jewett



State of North Carolina
Department of Environment, Health, and Natural Resources

James B. Hunt, Jr.
Governor

Wilmington Regional Office
Division of Waste Management
Solid Waste Section

Jonathan B. Howes
Secretary

April 28, 1997

CERTIFIED MAIL P 110 494 965
RETURN RECEIPT REQUESTED

Duplin County Landfill
Nathan Whaley
P.O. Box 976
Kenansville, NC 28472

Dear Mr. Whaley:

On April 24, 1997 Mr. Jim Barber, our regional engineer and myself inspected your Land Clearing and Inert Debris Notification site. The results of our inspection showed that your facility has expanded past the maximum area allowed for a notified site. As a result of this inspection you must take one of the following actions immediately:

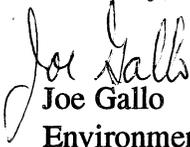
1. Pull all waste back into a maximum of two (2) acres while maintaining the required buffers within 30 days of the receipt of this letter, or
2. Initiate an application to the Solid Waste Management Division, for a permit to expand your facility past the 2 acre maximum requirement, immediately.

If you intend to pursue option two (2) you must start the application process immediately. Unless the application is received within the next two months the permitting branch will not have the necessary time to act on it due to other permitting priorities.

Failure to comply will result in enforcement action in this matter.

Duplin County Landfill
Nathan Whaley
April 28, 1997
page 2

You may contact me for any additional information you may need at (910) 395-3900 or Mr. Jim Barber our regional engineer at (910) 486-1191.

Sincerely,

Joe Gallo
Environmental Technician

JAG/jag

cc: Philip J. Prete, Field Operations Branch Head
Terry Dover, Eastern Area Supervisor
Jim Barber, Regional Engineer

s:\sww\admin\duplin.apr

CLOSURE NOTICE

STATE OF NORTH CAROLINA
COUNTY OF Duplin

BEFORE THE DIVISION OF SOLID WASTE MANAGEMENT DEPARTMENT
OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES

IN RE:

PROPERTY OF County of Duplin)
LOCATED IN Rose Hill Township)

)NOTICE OF CLOSED UNPERMITTED SOLID WASTE DISPOSAL SITE

NOTICE IS HEREBY GIVEN THAT SOLID WASTE HAS BEEN BURIED ON THE
HEREINAFTER DESCRIBED PROPERTY OF:

COUNTY OF DUPLIN

AT THE LOCATION DESCRIBED UPON THE ATTACHED MAP PREPARED BY Willard Jefferson
REGISTERED LAND SURVEYOR, L-1405 AND RECORDED IN MAP BOOK 14, PAGE 259

BEING a parcel of land in Rose Hill Township, Duplin County, North Carolina, bounded on the west by Willie D. Batts and Brantley Hawes, on the north by Maxwell Creek, on the east by Rice Grounds Branch and on the south by North Carolina Secondary Road 1918 and the Duplin County Landfill lands, and more particularly described as follows:)

BEGINNING at a point at the intersection of the centerline of North Carolina Secondary Road 1918 with the centerline of Rice Grounds Branch , said point being also located N 46deg.-09'-41" W, 8439.642 feet from a concrete monument, National Geodetic Survey Station CHARITY (X= 2 313 359.700 Feet, y = 399 302.630 feet, North Carolina Coordinate System NAD 27) and running thence from said beginning point in the centerline of North Carolina Secondary Road 1918 and up Rice Grounds Branch the following four courses: S 25deg.-26'-41" E, 233.295 feet; S 39deg.-44'-22 E, 119.501 feet; S 33deg.-03'-50" E, 166.212 feet; S 24deg.-11'-37" E, 333.751 feet to a point in the old County Landfill ; thence with a ditch and the old County Landfill, S 68deg.-16'-04" W, 527.749 feet; N 36deg.-43'-16" W, 474.384 feet; S 70deg.-37'-43" W, 375.662 feet; N 01deg.-09'-19" E, 470.569 feet; N 21deg.-18'-56" E, 134.803 feet; and N 10deg.-27'-26" E, 114.637 feet to a point in the centerline of North Carolina Secondary Road 1918; thence with the centerline of North Carolina Secondary Road 1918: N 74deg.-30'-27" W, 846.899 feet; N 74deg.-50'-34" W, 99.978 feet; N 75 deg.-20'-38" W, 100.045 feet; and N 80deg.-57'-19" W, 196.554

feet; thence with a ditch and the old County Landfill line S 15deg.-57'-50" E, 452.913 feet; S 88deg.-28'-11" W, 309.771 feet; N 23deg.-22'-04" W, 87.471 feet; S 80deg.-05'-51" W, 500.179 feet; and N 02deg.-08'-21" E, 306.100 feet to a point in the centerline of North Carolina Secondary Road 1918; thence with a ditch and the Brantley Hawes line N 03deg.-07'-49" E, 1677.707 feet to Maxwell Creek; thence down the run of Maxwell Creek : N 52deg.-30'-44" E, 175.971 feet; N 00deg.-31'-22" E, 208.456 feet; N 23deg.-20'-07" E, 271.468 feet; N 08deg.-28'-06" E, 194.726 feet; N 47deg.-48'-20" E, 369.810 feet; N 62deg.-55'-08" E, 172.908 feet; S 40deg.-28'-06" E, 428.860 feet; N 78deg.-06'-29" E, 262.272 feet; N 85deg.-51'-18" E, 232.848 feet; S 68deg.-41'-27" E, 282.933 feet; S 08deg.-40'-41" E, 230.399 feet; S 43deg.-19'-31" E, 173.090 feet; S 60deg.-44'-48" E, 203.988 feet; S 54deg.-01'-42" E, 119.011 feet to a point; thence, S 08deg.-25'-44" W, 100.108 feet to the run of Rice Grounds Branch; thence up the run of Rice Grounds Branch S 09deg.-39'-33" W, 252.306 feet; S 16deg.-18'-47" W, 215.470 feet; S 42deg.-25'-17" W, 242.143 feet; S 18deg.-50'-05" W, 99.074 feet; S 37deg.-53'-35" E, 227.943 feet; S 51deg.-20'-31" E, 75.831 feet; S 05deg.-52'-39" E, 85.898 feet; S 25deg.-55'-05" E, 389.338 feet; S 14deg.-47'-15" W, 137.425 feet; S 18deg.-32'-36" E, 186.653 feet; S 47deg.-42'-28" E, 164.036 feet; and S 27deg.-56'-23" , 176.379 feet to the point of beginning containing 139.49 acres.)

When the property, or any part of this property on which solid waste has been buried, is conveyed, grantor shall place the following language upon the deed, in no smaller type than that used in the body of the deed:

"This is notification that solid waste has been disposed on the property. See Closure Notice Recorded at Book 1189, Page 575-579. Questions concerning this matter may be directed to the North Carolina Department of Environment, Health and Natural Resources, Division of Solid Waste Management, Solid Waste Section, P. O. Box 27687, Raleigh, North Carolina 27611-7687."

This Closure Notice is not a permit for solid waste disposal, and is not to be construed as a permit for a disposal facility. The site has never been a permitted solid waste disposal site, and has come to the attention of the Solid Waste Section in the context of closure of non-conforming sites/open dumps, pursuant to 15A N.C. Admin. Code 13B .0502.

The sole purpose of recording this closure notice is to give actual and constructive notice to subsequent purchasers of the property described herein, in order to reduce any risk to public health or the environment from the improper disturbance of the waste.

After recording, this original instrument, affixed with the seal of the Register of Deeds, together with the date, book and page number of recording, shall be returned to:

The Solid Waste Section
Division of Solid Waste Management
Wachovia Bank Building
225 Green Street, Suite 601
Fayetteville, N.C. 28301

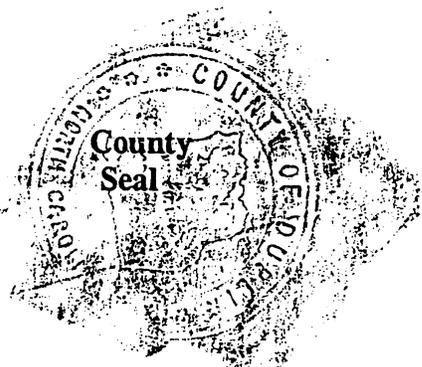


Terry F. Dover
Terry F. Dover
Eastern Area Supervisor
Solid Waste Section

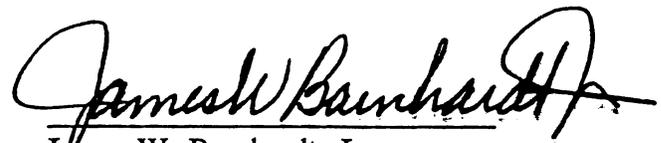
County of Duplin



Zettie B. Williams
Zettie B. Williams
Chairman, County Board of Commissioners



Attest:



James W. Barnhardt, Jr.
James W. Barnhardt, Jr.
Clerk to the Board

NORTH CAROLINA

Cumberland COUNTY

I, DARREN A. HOWARD, a Notary Public for said County and State,
do hereby certify that TERRY F. DOVER personally appeared before
(EASTERN AREA SUPERVISOR, SOLID WASTE MANAGEMENT DIVISION, N.C. DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES
me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 19th day of
July, 1996.

(OFFICIAL SEAL)



Darren A. Howard
Notary Public

My commission expires: My Commission Expires December 05, 2000, 19 .

NORTH CAROLINA

Duplin COUNTY

I, Judy C. Brown, a Notary Public for said County and State, do hereby certify that James W. Barnhardt, Jr., Clerk to the Board of Commissioners, personally came before me this day and acknowledged that he is Clerk to the Board of Board of Commissioners for Duplin County, and that by authority duly given and as the act of the County, the foregoing instrument was signed by Zettie B. Williams, Chairman of the Board of Commissioners, sealed with its County seal, and attested by James W. Barnhardt, Jr., Clerk to the Board.

Witness my hand and official seal, this the 5th day of August, 1996.



Judy C. Brown
Notary Public

My commission expires: September 17, 1999.

NORTH CAROLINA, Duplin County
The foregoing or annexed certificate of Darren A. Howard + Judy C. Brown, N.P.

This Instrument duly recorded and verified, this 9 day of Aug, 1996 is/are certified to be correct at 10:17 o'clock A M. in the Book and Page shown on the first page hereof.
JOYCE J. WILLIAMS, Register of Deeds By Genell R. Edmondson
Deputy / Assistant Register of Deeds

Judy Brown