

Purham County
Currin Landfill
32D

7/12/01

To: Alan Currin

Fax # 919-790-9423

From: Philip Prete

Forwarding this attached memo
regarding our policy on painted
concrete as we discussed.

If you have any questions, please call
me at 733-0692 ext. 252 tomorrow.

LCIDN32-DPermitCurrinLF

Faxed 7/12/01
PMP

NB

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WASTE MANAGEMENT



JAMES B. HUNT JR.
GOVERNOR

WAYNE McDEVITT
SECRETARY

WILLIAM L. MEYER
DIRECTOR

memorandum

Date: October 28, 1998

To: All Interested Parties

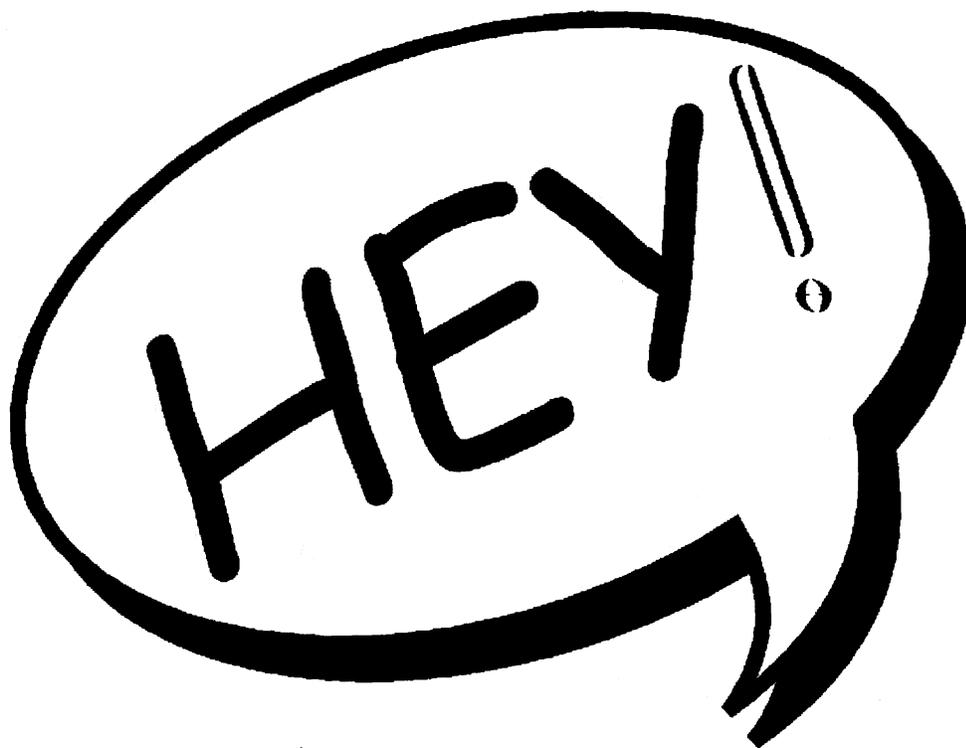
From: Solid Waste Section

RE: Guidance for Management of Painted Concrete as Inert Debris

In North Carolina, **Inert Debris** (concrete, brick, concrete block, uncontaminated soil, rock, and gravel) may be used as beneficial fill pursuant to 15A NCAC 13B .0562, provided that the fill activity involves no excavation, the purpose is to improve land use potential and that all pertinent Federal, State, and Local laws, rules, regulations are complied with.

Certification that paint on concrete is not *lead-based paint*, is required prior to management as inert debris. *Lead-based Paint* is defined by federal statute (Title X of the Housing and Community Development Act and the Toxic Substances Control Act, by reference) as paint that contains greater than 0.5 percent (%) lead by weight (or 5,000 parts per million) or 1 mg/cm².

Concrete that *is* painted with lead-based paint, or paint that has not been certified to the satisfaction of the Section to be below the federal standard to be considered lead-based paint, must be disposed of at a properly permitted construction and demolition landfill or a permitted municipal solid waste landfill.



To: Philip Peete From: Lynn Roche

PPM for concrete & surface ($\frac{1}{4}$ - $\frac{1}{2}$ " ^{surface} _{material})
 combined was > 21 ^{mos}

PPM for surface only is > 24 ppm

- coating
 - no liquid
 - looks like quartz report attached

My number 859-3090
 Alan Curran 876-1138

Date: 7-12-01

Pages: 1 of 2

ENVIRONMENTAL HAZARDS SERVICES, L.L.C.

7469 WHITE PINE ROAD - RICHMOND, VA 23237
804-275-4788 FAX 804-275-4907

LEAD IN SOIL ANALYSIS SUMMARY

CLIENT: T & R Home Repair Service
309 Buck Jones Road
Raleigh, NC 27606

DATE OF SAMPLING: 11 JUL 2001
DATE OF RECEIPT: 11 JUL 2001
DATE OF ANALYSIS: 11 JUL 2001
DATE OF REPORT: 11 JUL 2001

CLIENT NUMBER: 34-4854 D
EHS PROJECT #: 07-01-0990
PROJECT:

EHS SAMPLE#	CLIENT SAMPLE#	CONCENTRATION PPM (mg/kg)	
01	Unlabeled Sample	<24	Total - not TCLP

QUALITY CONTROL DATA

BATCH#:	071101P-3
INCLUSIVE EHS SAMPLE NUMBERS:	01
Continuing Calibration Verification 5 (5.00ppm Pb)	101% Recovery
Laboratory Control Standard	103% Recovery
Matrix Spike	92.8% Recovery
Duplicate Relative Percent Difference	0.858 RPD
Reporting Limit	50.0ug
Method Detection Limit	7.9ug

METHOD: SW846 3050B/7420

ANALYST: Aubrey Simonds

Reviewed By Authorized Signatory:

[Signature]
 Howard Varner, Laboratory Director
 Irma Faszewski, Quality Assurance Coordinator
 David Xu, MS, Senior Chemist
 Feng Jiang, MS, Senior Geologist
 Michael A. Mueller, Quality Assurance Manager

solid sample

Sample results denoted with a "less than" (<) sign contain less than 50.0ug total lead, based on a 100ml sample volume.

Results represent the analysis of samples submitted by the client. Sample location, description, area, volume etc., was provided by the client. This report shall not be reproduced, except in full, without the written consent of Environmental Hazards Services, L.L.C. California Certification #2319

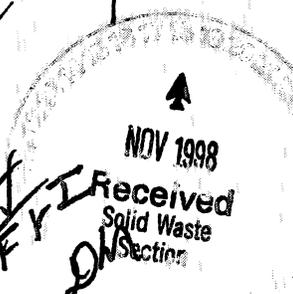
LEGEND ug = microgram ppm = parts per million mg/kg = milligrams per kilogram
 ml = milliliter Pb = lead

soilpb1.doc\07JUN2001/mb

- PAGE 01 of 01 - END OF REPORT -

Mike Mueller - Quality Assurance Manager

OFFICE OF THE ATTORNE GENERAL

TRANSMITTAL SLIP	DATE 11 / 17 / 98
TO: <i>District MATTHEWS</i>	REF. NO. OF ROOM, BLDG.
FROM: <i>Nancy Scott</i>	REF. NO. OR ROOM, BLDG.
ACTION	
<input type="checkbox"/> NOTE AND FILE	<input type="checkbox"/> PER OUR CONVERSATION
<input type="checkbox"/> NOTE AND RETURN TO ME	<input type="checkbox"/> PER YOUR REQUEST
<input type="checkbox"/> RETURN WITH MORE DETAILS	<input type="checkbox"/> FOR YOUR APPROVAL
<input type="checkbox"/> NOTE AND SEE ME ABOUT THIS	<input type="checkbox"/> FOR YOUR INFORMATION
<input type="checkbox"/> PLEASE ANSWER	<input type="checkbox"/> FOR YOUR COMMENTS
<input type="checkbox"/> PREPARE REPLY FOR MY SIGNATURE	<input type="checkbox"/> SIGNATURE
<input type="checkbox"/> TAKE APPROPRIATE ACTION	<input type="checkbox"/> INVESTIGATE AND REPORT
COMMENTS:	
<p><i>COA Opinion regarding Durham County</i></p> <p><i>Jim ✓</i> <i>Phil ✓</i> <i>Paul ✓</i> <i>Ted ✓</i> <i>FRZ</i></p> <p align="right">  NOV 1998 Received Solid Waste Section <i>DWS</i> </p>	

Supreme Ct. § →
COA Opinions site

html/opinions.htm

Link to original WordPerfect file

How to access the above link?

Durham Co
Currin Bros. LCID
Lashly

NO. COA 98-157

320

NORTH CAROLINA COURT OF APPEALS

Filed: 17 November 1998

IN RE DECLARATORY RULING PETITION

FOR JUDICIAL REVIEW

COUNTY OF DURHAM,

Appellant,

v.

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES,

Appellee,

and

CURRIN BROS., INC., a North Carolina Corporation,

Intervenor-Appellee.

Appeal by petitioner, County of Durham, from judgment entered 28 October 1997 by Judge A. Leon Stanback, Jr. in Durham County Superior Court. Heard in the Court of Appeals 6 October 1998.

Assistant Durham County Attorney Lesley F. Moxley for petitioner-appellant County of Durham.

Attorney General Michael F. Easley, by Assistant Attorney General Nancy E. Scott, for the respondent-appellee North Carolina Department of Environment and Natural Resources.

Poyner & Spruill, L.L.P., by Timothy P. Sullivan, for intervenor-appellee Currin Bros., Inc.

SMITH, Judge.

Located within the County of Durham (County) are three Land Clearing and Inert Debris (LCID) landfills, two of which are owned and operated by Intervenor-Appellee, Currin Brothers. As LCID landfills, each is permitted to receive solid waste generated from land clearing activities, yard trash, untreated or unpainted wood, and solid waste that is virtually inert and likely to retain its physical and chemical structure. See N.C. Gen. Stat. § 130A-290(a)(14)-(15) (1997). The North Carolina Department of Environment and Natural Resources (NCDENR) approved the applications for each of the LCID landfills and issued permits for their operation "in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder." NCDENR notified County's planning department of the proposed landfills and County provided NCDENR with zoning approval letters. See N.C. Admin. Code tit. 15A, r. 13B.0565 (January 1993) (stating that before the siting of an LCID landfill can be approved, NCDENR must receive "[a]n approval letter from the unit of local government having zoning authority over the area . . . stating that the site meets all of the requirements of the local zoning ordinance"). A public hearing was not held prior to the approval of the permits nor was the clerk to the board of commissioners informed of the applications.

Pursuant to N.C. Gen. Stat. § 150B-45 (1991), County requested a declaratory ruling from NCDENR that (1) LCID landfills are not "demolition landfills" within the meaning of N.C. Gen. Stat. § 130A-294(a)(4)a. (1997), and (2) LCID landfills are subject to the notice and hearing provisions of N.C. Gen. Stat. § 130A-294(b1)(2) (1997). On 20 November 1996, NCDENR issued a declaratory ruling that LCID landfills are not "sanitary landfills" pursuant to N.C. Gen. Stat. § 130A-294(a)(4)a. and that the notice procedures under the statute only apply to sanitary landfills. Thus, NCDENR concluded, the notice requirements of the statute do not apply to LCID landfills.

County then filed a petition for judicial review of NCDENR's findings, pursuant to N.C. Gen. Stat. § 150B-4 (1991). On 28 October 1997, the Superior Court of Durham County upheld the declaratory ruling issued by NCDENR. County appeals.

In determining whether an agency erred in interpreting a statutory term, an appellate court employs a de novo review. *See Brooks, Comr. of Labor v. Grading Co.*, 303 N.C. 573, 580-81, 281 S.E.2d 24, 29 (1981). However, even when reviewing a case de novo, courts recognize the long-standing tradition of according deference to the agency's interpretation. *See Newsome v. N.C. State Bd. of Elections*, 105 N.C. App. 499, 507, 415 S.E.2d 201, 205 (1992) (citing *Comr. of Insurance v. Automobile Rate Office*, 294 N.C. 60, 241 S.E.2d 324 (1978)). It is a tenet of statutory construction that a reviewing court should defer to the agency's interpretation of a statute it administers "so long as the agency's interpretation is reasonable and based on a permissible construction of the statute." *Carpenter v. N.C. Dept. of Human Resources*, 107 N.C. App. 278, 279, 419 S.E.2d 582, 584, *temporary stay allowed*, 332 N.C. 482, 421 S.E.2d 348, *review allowed*, 332 N.C. 664, 424 S.E.2d 398 (1992), *review denied as improvidently granted*, 333 N.C. 533, 427 S.E.2d 874 (1993). "[I]f the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute." *Chevron U.S.A. v. Natural Res. Def. Council*, 467 U.S. 837, 843, 81 L. Ed. 694, 703, *reh'g denied*, 468 U.S. 1227, 82 L. Ed. 2d 921 (1984). Thus we review this case de novo but accord considerable weight to NCDENR's interpretation of the statute at issue.

The first issue presented to the Court for review is whether the superior court erred in affirming NCDENR's declaratory ruling that LCID landfills are not sanitary landfills under N.C. Gen. Stat. § 130A-294(a)(4)a., and consequently the applicability of the notice requirements of N.C. Gen. Stat. § 130A-294(b1)(2). When resolving an issue of statutory construction, we must first look to the language of the statute. *See Hieb v. Lowery*, 344 N.C. 403, 409, 474 S.E.2d 323, 327 (1996). Section 130A-294(a)(4)a. requires NCDENR to

[d]evelop a permit system governing the establishment and operation of solid waste management facilities. A landfill with a disposal area of ½ acre or less for the on-site disposal of land clearing and inert debris is exempt from the permit requirement of this section and shall be governed by G.S. 130A-301.1. A landfill for the disposal of demolition debris generated on the same parcel or tract of land on which the landfill is located that has a disposal area of one acre or less is exempt from the permit requirement of the section and rules adopted pursuant to this section, and shall be governed by G.S. 130A-301.2. The Department shall not approve an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill, excluding demolition landfills as defined in the rules of the Commission for Health Services, except as provided in subdivisions (3) and (4) of subsection (b1) of this section.

N.C. Gen. Stat. § 130A-294(a)(4)a. (1997). It is the permit requirements referred to in this statute that County brings to issue in this case. This single paragraph addresses several distinct categories of solid waste disposal facilities. A "landfill" is statutorily defined as a "disposal facility . . . where waste is placed in or on land." N.C. Gen. Stat. § 130A-290(a)(16) (1997). Likewise, a "sanitary landfill" is defined as "a facility for disposal of solid waste on land in a sanitary manner *in accordance with the rules concerning sanitary landfills*." N.C. Gen. Stat. § 130A-290(a)(31) (1997) (emphasis added). Thus, NCDENR, cloaked with the rulemaking authority with regard to issues of solid waste management, determines how sanitary landfills are to be defined and managed.

By defining "demolition landfill" as "a *sanitary landfill* that is limited to receiving stumps, limbs,

leaves, concrete, brick, wood, uncontaminated earth or other solid wastes as approved by the Division," NCDENR intended for demolition landfills to be a sub-category of, and thus encompassed by the rules concerning, sanitary landfills. N.C. Admin. Code. tit. 15A, r. 13B.0101(4) (October 1995) (emphasis added). Likewise, because of the language used in the rules, NCDENR did *not* intend for sanitary landfills to encompass LCID landfills. Rule 13B.0501 provides:

(a) The disposal of solid waste shall be by the following approved methods or any combination thereof:

- (1) Sanitary landfill;
- (2) Land clearing and inert debris landfill;
- (3) Incineration; or
- (4) Disposal by other sanitary methods which may be developed and demonstrated to be capable of fulfilling the basic requirements of these rules and which have been approved by the Division.

N.C. Admin. Code tit. 15A, r. 13B.0501 (October 1993). By enumerating both sanitary landfills and LCID landfills as approved methods of solid waste disposal, NCDENR made a marked distinction between the two. In addition, NCDENR established entirely separate application and operational requirements for sanitary landfills and LCID landfills. *Compare* N.C. Admin. Code tit. 15A, r. 13B.0504 (February 1991), 13B.0505 (September 1990) (Application Requirements and Operational Requirements for Sanitary Landfills); *with* N.C. Admin. Code tit. 15A, r. 13B.0565 (January 1993), 13B.0566 (January 1993) (Application Requirements and Operation Requirements for LCID Landfills). Furthermore, NCDENR set up separate permit requirements for LCID landfills. *See* N.C. Admin. Code tit. 15A, r. 13B.0563 (January 1993). Rule 13B.0563 sets forth when a permit is and is not required for LCID landfills and makes no mention whatsoever of notice to or approval by the local government. The rule applicable to LCID landfills is starkly different from the rule regarding application requirements for sanitary landfills. *See* N.C. Admin. Code tit. 15A, r. 13B.0504 (February 1991). To obtain approval for a sanitary landfill, the application must be accompanied by a permit *under all conditions*, and before an application can be granted, the local government *must* approve of the landfill and confirm that the landfill meets all requirements of local zoning ordinances. These rules governing sanitary and LCID landfills evidence NCDENR's intention to treat the two types of landfills differently.

In addition, the relative risk each poses to the public's health and safety mandates a distinction between the two. Sanitary landfills are filled with household garbage and items that are likely to decompose, thus emitting odor, attracting disease-carrying vermin, and causing health concerns. Land clearing debris is "generated solely from land-clearing activities" and has a natural, organic composition. *See* N.C. Gen. Stat. § 130A-290(a)(15) (1997). Likewise, inert debris, by its statutory definition, must "consist[] solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal." *See* N.C. Gen. Stat. § 130A-290(a)(14) (1997). Therefore, the additional safeguards that apply to sanitary landfills are unnecessary for LCID landfills.

It is undeniable that NCDENR intended for sanitary landfills and LCID landfills to be treated differently, each with its own definition, regulations, and application procedures. Thus, the trial court did not err in upholding NCDENR's declaratory ruling.

Because we have determined that LCID landfills do not fall within the statutory definition of "sanitary landfill," we turn next to the question of the applicability of the notice requirements of N.C. Gen. Stat. § 130A-294(b1)(2). This section as written pertains exclusively to sanitary landfills.

Within 10 days after receiving an application for a permit, for the renewal of a permit, or for a substantial amendment to a permit for a *sanitary landfill*, the Department shall notify the clerk of the board of commissioners of the county or counties in which the sanitary landfill is proposed to be located

....

N.C. Gen. Stat. § 130A-294(b1)(2) (1997) (emphasis added). Because this section refers exclusively to sanitary landfills and we have concluded that LCID landfills are *not* sanitary landfills, it follows that the notice requirements of this section are inapplicable to LCID landfills.

The trial court's decision is therefore

Affirmed.

Judges GREENE and WALKER concur.

**** End of Document ****

Converted from WordPerfect

Prepared by and not for:
James R. Rogers III
875-B2 Washington Street
Raleigh, NC 27605

FILED
BOOK 1911 PAGE 378 - 380
93 NOV 2 PM 2 23

RUTH G. GARRETT
REGISTER OF DEEDS
DURHAM COUNTY, N.C.

BOOK 1911 PAGE 378

AMENDMENT TO PERMIT #32-D
Permit Issued January 25, 1989
Amendment #1 Issued 9/7/93

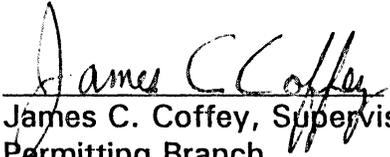
SOLID WASTE PERMIT

CURRIN BROS., INC.

is hereby issued a permit to operate a

LAND CLEARING AND INERT DEBRIS LANDFILL

located on SR 1900, Durham 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 or the recorded map on the attached sheet.


James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

33061

1400

CERTIFIED COPY OF SOLID WASTE PERMIT

I do hereby certify that the attached permit is an exact and true copy of Permit Number 32-D.

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

North Carolina

Johnston County

I, Sue S. Hodge, a Notary Public for said County and State, do hereby certify that James C. Coffey, Supervisor, Permitting Branch, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 7th day of September, 1993.



Sue S. Hodge
Notary Public

My commission expires October 21, 1995

State of North Carolina-Durham County
The foregoing certificate(s) of Sue S. Hodge

A Notary (Notaries) Public for the Designated Governments units is (are) certified to be correct.

This the 2 day of Nov, A.D. 1993
Ruth C. Garrett Michelle Thompson
Register of Deeds By: Assistant, Deputy Register of Deeds

AMENDMENT TO PERMIT NUMBER 32-D
PERMIT ISSUED: January 25, 1989
Amendment #1 Issued 9/7/93

BOOK 1911 PAGE 380

CONDITIONS OF PERMIT

1. This permit is issued for a period not to exceed five years from date of issuance. This permit is for the construction of the landfill according to the approved plans. 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.**
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).

PAGE TWO
AMENDMENT TO PERMIT 32-D
Permit Issued January 25, 1989
Amendment Issued 9/7/93

8. The following requirements shall be met prior to receiving solid waste, within the horizontal expansion area, 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).

9. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L.

10. 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).

P. 38

**State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Solid Waste Management
Fayetteville Regional Office**



James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
William L. Meyer, Director

September 7, 1993

Mr. Allen Currin
1610 Wolfpack Lane
Raleigh, North Carolina 27609

Subject: Amendment #1 to Permit # 32-D
Vertical and Horizontal Expansion of Currin Bros., Inc.
Demolition (Land Clearing and Inert Debris) Landfill
Durham County, Durham, N.C.

Dear Mr. Currin:

Enclosed please find an Amendment to the Solid Waste Permit and Conditions of the Solid Waste Permit for the above referenced landfill.

Please note Condition No. 3. 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. 8, which requires that we hold a pre-operative meeting. Please contact me when you are ready to schedule such a meeting. If you have questions about your permit, please contact me at (919) 486-1191.

Sincerely,

Jim Barber
Eastern Area Engineer
Solid Waste Section

cc: Jim Coffey
Terry Dover
Mark Fry
Robert Hearn

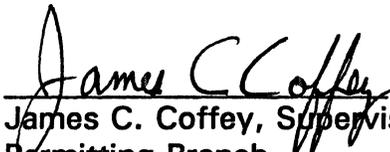
AMENDMENT TO PERMIT #32-D
Permit Issued January 25, 1989
Amendment #1 Issued 9/7/93

SOLID WASTE PERMIT

CURRIN BROS., INC.

is hereby issued a permit to operate a
LAND CLEARING AND INERT DEBRIS LANDFILL

located on SR 1900, Durham 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 or the recorded map on the attached sheet.


James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

CERTIFIED COPY OF SOLID WASTE PERMIT

I do hereby certify that the attached permit is an exact and true copy of Permit Number 32-D.

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

North Carolina

Robeson County

I, Sue S. Hodge, a Notary Public for said County and State, do hereby certify that James C. Coffey, Supervisor, Permitting Branch, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 7th day of September, 1993.

Sue S. Hodge
Notary Public

My commission expires October 21, 1995

AMENDMENT TO PERMIT NUMBER 32-D
PERMIT ISSUED: January 25, 1989
Amendment #1 Issued 9/7/93

CONDITIONS OF PERMIT

1. This permit is issued for a period not to exceed five years from date of issuance. This permit is for the construction of the landfill according to the approved plans. 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.**
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).

PAGE TWO
AMENDMENT TO PERMIT 32-D
Permit Issued January 25, 1989
Amendment Issued 9/7/93

- 8. The following requirements shall be met prior to receiving solid waste, within the horizontal expansion area, 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).**

- 9. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L.**

- 10. 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).**

CURRIN BROS. INC.

GRADING CONTRACTORS

P.O. BOX 547 - FUQUAY-VARINA, N.C. 27526

OFFICE: (919) 876-1138

C.F.
32-D

NC LICENSE # 17847
UNCLASSIFIED
UNLIMITED

APPROVED
DIVISION OF SOLID WASTE MANAGEMENT

DATE 9/7/93 BY [Signature]

AMENDMENT #1

March 26, 1992

N.C. Department of Environment, Health and Natural Resources
Solid Waste Section
Solid Waste Division
225 Green St.
Wachovia Bldg. Suite 601
Fayetteville, NC 28301

Attn: Jim Barber

Ref: Currin Bros. Durham L.C.I.D. Landfill
Operational Plan

Dear Sir,

The following is the individual responsible for the operation and maintenance of the facility.

Allen Currin
1610 Wolfpack Lane
Raleigh, NC 27609
Ph 876-1138

After the completion of the facility it will be reforested with weyerhaeuser improved loblolly pines.

Currin Bros. Inc. agrees to comply with the operational requirements set forth in rule .0866 in the NC Solid Waste Management Rules as amended through January 9, 1992.

In case of an emergency the Redwood Fire Department would respond. Their number is 888-8422

If you have any questions please call me at 876-1138

Sincerely
Currin Bros. Inc.

CURRIN BROS. INC.

GRADING CONTRACTORS

P.O. BOX 547 - FUQUAY-VARINA, N.C. 27526

OFFICE: (919) 876-1138

NC LICENSE # 17847
UNCLASSIFIED
UNLIMITED

March 26, 1998

N.C. Department of Environment, Health and Natural Resources
Solid Waste Section
Solid Waste Division
225 Green St.
Wachovia Bldg. Suite 601
Fayetteville, NC 28301

Attn: Jim Barber

Ref: Currin Bros. Durham L.C.I.D. Landfill

Dear Sir,

This report is to indicate that the proper authorities associated with Currin Bros. Inc. have read and understand all of the requirements set forth under rule .0524 in the NC Solid Waste Management Rules as amended through January 9, 1992.

If you have any questions please call me at 876-1138

Sincerely
Currin Bros. Inc.

CURRIN BROS. INC.

GRADING CONTRACTORS

P.O. BOX 547 - FUQUAY-VARINA, N.C. 27526

OFFICE: (919) 876-1138

NC LICENSE # 17847

UNCLASSIFIED

UNLIMITED

February 16, 1993

N. C. Department of Environment, Health and Natural Resources
Solid Waste Section
Solid Waste Management Division
225 Green St.
Wachovia Bldg. Suite 601
Fayetteville, NC 28301

ATTN; Jim Barber
Mark S. Fry

Dear Sirs:

REF: CURRIN BROS. DURHAM L.C.I.D. LANDFILL

Enclosed you will find a revised set of drawings for the Durham L.C.I.D. Landfill. Borrow areas have been noted that we feel will be necessary to complete the project in the future. At the current rate, the estimated completion will take approximately fifteen years. It is our intention to complete the slopes on the southwest side adjacent to Coley Road in the near future. All areas are to be graded to prevent ponding water and to divert water away from the debris.

J. D. Goldston, Jr. with Goldston Well Drilling Co. informed us that he had drilled many wells in the vicinity of the Currin L.C.I.D. Landfill. He also confirmed that the water table was found to be 300 to 400 feet deep and in most cases there was no water found. Mr. Goldston drilled the J. A. Black well that is adjacent to the site. He said it was approximately 400 feet.

If you have any questions, please call me at 876-1138.

Sincerely,

CURRIN BROS., INC.

C. Allen Currin

C. Allen Currin
Vice President

CAC:mg

FINANCIAL RESPONSIBILITY/OWNERSHIP FORM
DURHAM COUNTY AND CITY SEDIMENTATION AND EROSION CONTROL ORDINANCE

No person may initiate any land-disturbing activity covered by the Ordinance before this form has been completed and filed with, and a Land-Disturbing Permit obtained from the Sedimentation and Erosion Control Office. Issuance of a Land-Disturbing Permit does not relieve the permittee of the obligation to obtain any other licenses, permits and approvals as may be required by Federal, State, County or Municipal governments. (Please type or print and, if question is not applicable, place N/A in the blank.)

Part A.

1. Name of Project Currin Stump Dump
2. Location of land-disturbing activity? Tax Map No. 985,
Block N/A, Parcel 9, and Highway/Street 1900.
3. Approximate date land-disturbing activity will be commenced
11/1/88?
4. Square footage of land to be disturbed or uncovered 766,656SF?
5. Has an erosion and sedimentation control plan been filed?
Yes X No _____ Not required _____
6. Land owner(s) of Record (Use blank page to list additional owners.):

<u>Currin Bros., Inc.</u> Name	_____	Name	_____
<u>P. O. Box 547</u> Current Mailing Address	_____	Current Mailing Address	_____
<u>Fuquay-Varina, NC 27526</u> City State Zip	_____	City State Zip	_____
<u>(919) 876-1138</u> Telephone Number	_____	Telephone Number	_____

7. Indicate Book and Page where deed or instrument is filed
(Use blank page to list additional deeds or instruments):
Book 208 Page 533
Book _____ Page _____

Part B.

1. Person(s) or firm(s) financially responsible for this land-disturbing activity.

Currin Bros., Inc.
Name of Person or Firm

Name of Person or Firm

P. O. Box 547
Mailing Address

Mailing Address

Fuquay-Varina, NC 27526
City State Zip

City State Zip

(919) 876-1138
Telephone

Telephone

2. Registered agent, if any, for the person or firm who is financially responsible:

Name

Name

Mailing Address

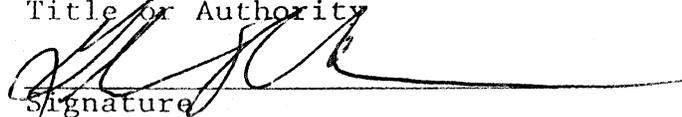
Telephone

3. The above information is true and correct to the best of my knowledge and belief and was provided by me while under oath. (This form must be signed by the financially responsible person if an individual and by an officer, director, partner, attorney-in-fact, or other person with authority to execute instruments for the financially responsible person if not an individual).

9/20/88
Date

Glenn R. Currin
Type or Print Name

President
Title or Authority


Signature

I, Sharon E. Greco, a Notary Public of the County of Wake, State of North Carolina, hereby certify that Glenn R. Currin personally before me this day and under oath acknowledged that the above form was executed by him.

Witness my hand and notarial seal, this 20th day of September, 19 88.


Notary

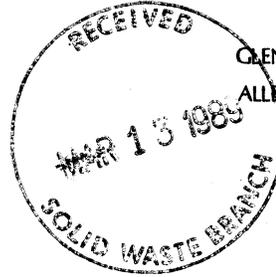
3/9/89
My Commission Expires

CURRIN BROS. INC.

GRADING CONTRACTORS

P.O. BOX 547 - FUQUAY-VARINA, N.C. 27526

OFFICE: (919)876-1138



GLENN CURRIN: 552-2557

ALLEN CURRIN: 847-1657

*File coral
DEPT
DURHAM CO
#32-D*

March 10, 1989

State of North Carolina
Department of Human Resources
Division of Health Services
P.O. Box 2091
Raleigh, North Carolina 27602

Attn: J. Gordon Layton Supervisor
Solid Waste Branch

Dear Gordon,

I am enclosing to you a copy of the recorded Solid Waste Permit. Please look it over and if there are any problems, please give me a call.

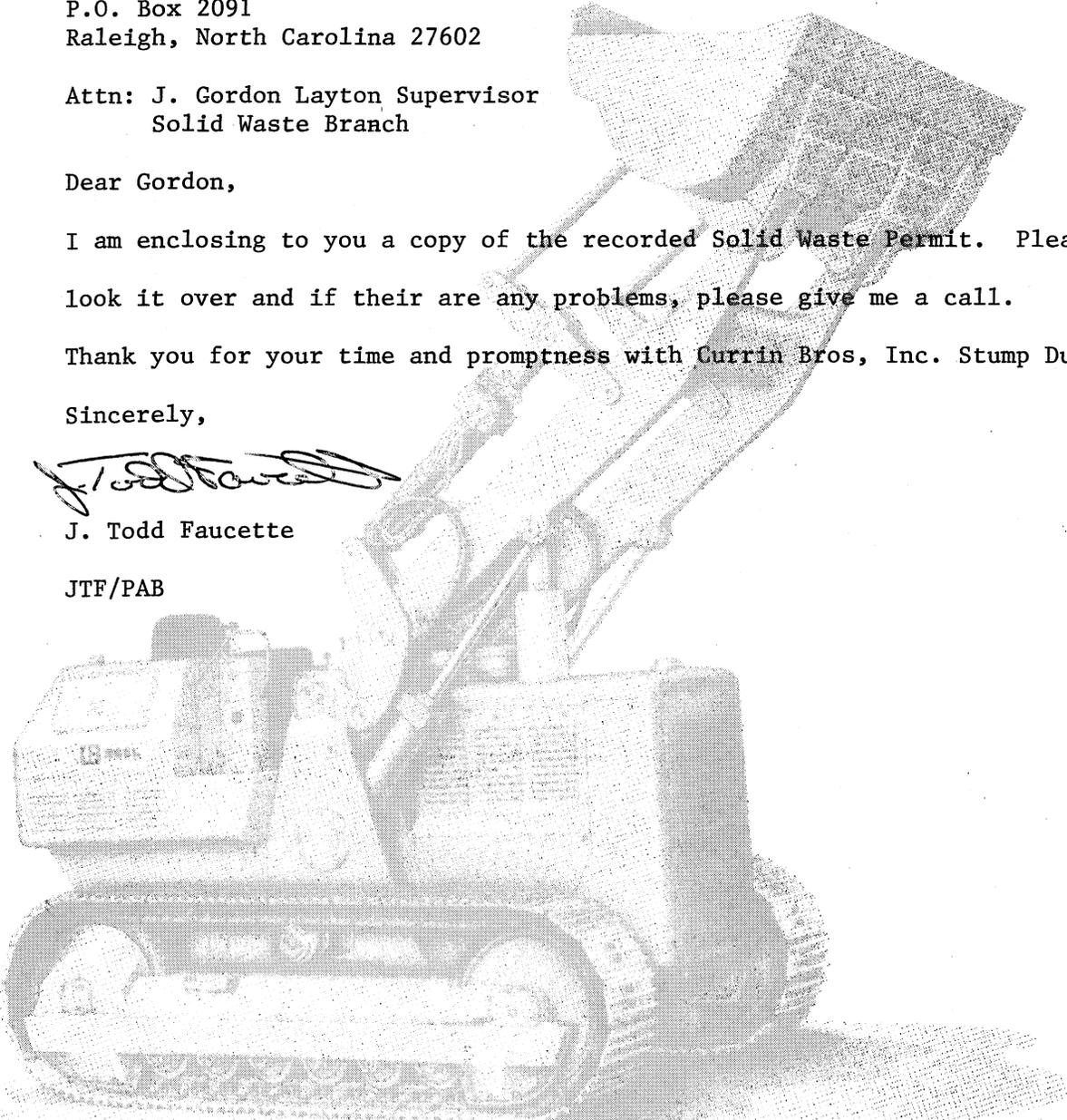
Thank you for your time and promptness with Currin Bros, Inc. Stump Dump.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Todd Faucette".

J. Todd Faucette

JTF/PAB



AFTER RECORDING RETURN TO:
SEAY, HARVEY, TITCHENER & HORNE
P.O. Box 18807
Raleigh, N.C. 27619

PERMIT NO. 32-D

DATE ISSUED 1/25/89

STATE OF NORTH CAROLINA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH SERVICES

P.O. BOX 2091

RALEIGH, NC 27602

S O L I D W A S T E P E R M I T

CURRIN BROS., INC.

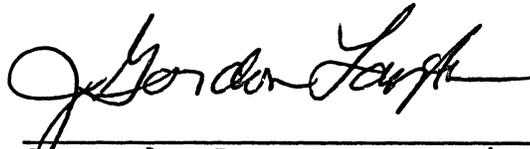
is hereby issued a permit to operate a

DEMOLITION LANDFILL

located

on SR 1900, Durham County

in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit. The facility is located and described by the legal description of the site on the attached sheet.



J. Gordon Layton, Supervisor
Solid Waste Branch
Solid Waste Management Section

SOLID WASTE PERMIT

(DEMOLITION LANDFILL)

CONDITIONS OF PERMIT:

1. This permit shall not be effective unless the certified copy is filed in the Register of Deeds Office, in the grantor index under the name of the owner of the land in the county or counties in which the land is located. After recordation, the certified copy shall be returned to the Solid Waste Branch and shall have indicated on it the page and book number, date of recordation, and Register's seal.
2. When this property is sold, leased, conveyed or transferred, 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 sanitary landfill.
3. The following requirements shall be met prior to receiving solid waste at the site:
 - a. Site preparation shall be in accordance with the construction plan.
 - b. Site inspection shall be made by a representative of the Division of Health Services.
 - c. The permit number and the words "NO UNAUTHORIZED DUMPING ALLOWED" shall be posted on an entrance sign.
4. This solid waste disposal site is permitted to receive solid waste as defined in 10 NCAC 10G, .0101(5); stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes as approved by the Branch.
5. This permit is for construction according to the attached plans. Additional conditions and revisions of the approved plans shall be approved by the North Carolina Solid Waste Branch.
6. This facility shall conform to operating procedures in Rule .0507 of the Solid Waste Management Rules and the following specific conditions:
 - a. Solid waste shall be restricted to the smallest area possible and compacted as densely as practical. The active area shall not exceed one (1) acre in size.
 - b. Adequate soil cover, a minimum of a 6-inch layer, shall be applied monthly, or when the active area reaches one (1) acre in size.
 - c. This site shall be adequately secured, by means of gates, chains, berms, fences, etc., to prevent unauthorized entry except when a trained operator is on duty.
7. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L (Attachment 3).
8. All earth-disturbing activities will be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4).

BEGINNING at a point in the centerline of State Road 1900, Coley Road, in the northern line of property owned by Lyndall J. Fagg, (see Plat Book 106, Page 76); runs thence along northern line of Fagg, North 79 degrees 15 minutes 44 seconds West 31.36 feet to an iron pipe, in the western right-of-way of State Road 1900; thence continuing along the northern line of Fagg; North 79 degrees 15 minutes 44 seconds West 408.99 feet; runs thence North 07 degrees 07 minutes 07 seconds East 1611.89 feet to an iron pipe; runs thence South 82 degrees 23 minutes 52 seconds East, 670.09 feet to an iron pipe, a corner with J. A. Black; runs thence along J. A. Black's western line, South 36 degrees 36 minutes 08 seconds West, 387.00 feet to an iron pipe; runs thence along J. A. Black's southern boundary the following courses and distances; South 67 degrees 26 minutes 39 seconds East, 191.00 feet; South 16 degrees 50 minutes 44 seconds West, 131.00 feet; South 50 degrees 53 minutes 40 seconds East, 145.67 feet to an iron pipe in the eastern right of way of State Road 1900; continuing along the southern line of Fagg, South 50 degrees 53 minutes 40 seconds East, 31.33 feet to a point in the centerline of State Road 1900; runs thence along the centerline of State Road 1900, the following calls to point and place of BEGINNING: (A) South 22 degrees 20 minutes 38 seconds West, 92.60 feet; (B) South 25 degrees 11 minutes 53 seconds West, 100.31 feet; (C) South 26 degrees 31 minutes 05 seconds West, 103.98 feet; (D) South 26 degrees 33 minutes 47 seconds West, 431.42 feet; (E) South 26 degrees 17 minutes 43 seconds West, 251.77 feet; (F) South 26 degrees 17 minutes 43 seconds West, 1.55 feet; and (G) South 27 degrees 38 minutes 56 seconds West, 100.99 feet to the point and place of BEGINNING and containing 22.318 acres exclusive of right-of-way and .750 acres of right-of-way, according to survey and map by Kenneth Close, Inc., Land Surveyor, dated February 3, 1988, entitled "Property of Continental Land Sales, Inc., Carr Township, Durham County, North Carolina", the same being that property lying West of centerline of State Road 1900 (Coley Road) all as shown on Plat recorded in Plat Book 117, Page 198, Durham County Registry.

CERTIFIED COPY OF SOLID WASTE PERMIT

I do hereby certify that the attached PERMIT is an exact and true copy of Permit No. 32-D.

J. Gordon Layton

J. Gordon Layton, Supervisor
Solid Waste Branch

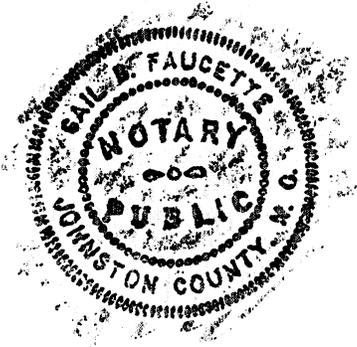
North Carolina

Wake County

I, Gail B. Faucette, a Notary Public for said County and State, do hereby certify that J. Gordon Layton, Supervisor, Solid Waste Branch personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 25th day of January, 1989.

OFFICIAL SEAL



Gail B. Faucette

NOTARY PUBLIC

My commission expires My Commission Expires 10-13-93, 19 .

FILED
BOOK 1506 PAGE 606-609

FEB 10 10 44 AM '89

RUTH C. GARRETT
REGISTER OF DEEDS
DURHAM COUNTY, NC

State of North Carolina-Durham County

The foregoing certificate(s) of

Gail B. Faucette
A Notary (Notaries) Public for the Designated Governments units is (are) certified to be correct.

This the 10 day of Feb. A.D. 1989

Ruth C. Garrett
Register of Deeds

Gaile Baker
By: Assistant, Deputy
Register of Deeds



North Carolina Department of Human Resources
Division of Health Services
P.O. Box 2091 • Raleigh, North Carolina 27602-2091

James G. Martin, Governor
David T. Flaherty, Secretary

Ronald H. Levine, M.D., M.P.H.
State Health Director

January 25, 1989

Mr. J. Todd Faucette
Currin Bros. Inc.
P.O. Box 547
Fuquay-Varina, N.C. 27526

RE: Currin Stump Dump, Demolition Landfill, Permit #32-D

Dear Mr. Faucette:

Enclosed find a Solid Waste Permit, a certified copy, and the conditions for the permit.

This permit shall be effective upon completion of Condition 1. Please note Condition 6.c., requiring access controls for the facility.

Operational requirements 10 NCAC 10G .0507 (10) and (11) will necessitate surficial control and diversion of discharge from the 15" R.C.P. crossing SR 1900, prior to filling the natural drainage feature. Acceptable measures will divert drainage around the operational area, not through it, and discharge to the sediment basin. The sediment basin shall not create an impoundment over waste.

If there are any questions, please contact me at (919) 733-0692.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary W. Ahlberg".

Gary W. Ahlberg
Environmental Engineer
Solid Waste Branch
Solid Waste Management Section

GWA/mj

cc: Jim Coffey
Dexter Matthews

PERMIT NO. 32-D

DATE ISSUED 1/25/89

STATE OF NORTH CAROLINA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH SERVICES

P.O. BOX 2091

RALEIGH, NC 27602

S O L I D W A S T E P E R M I T

CURRIN BROS., INC.

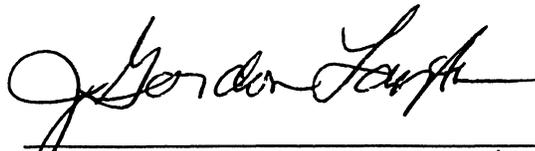
is hereby issued a permit to operate a

DEMOLITION LANDFILL

located

on SR 1900, Durham County

in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit. The facility is located and described by the legal description of the site on the attached sheet.



J. Gordon Layton, Supervisor
Solid Waste Branch
Solid Waste Management Section

"EXHIBIT A"

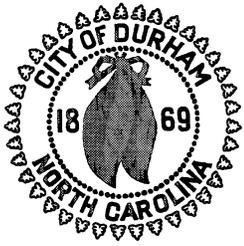
BEGINNING at a point in the centerline of State Road 1900, Coley Road, in the northern line of property owned by Lyndall J. Fagg, (see Plat Book 106, Page 76); runs thence along northern line of Fagg, North 79 degrees 15 minutes 44 seconds West 31.36 feet to an iron pipe, in the western right-of-way of State Road 1900; thence continuing along the northern line of Fagg; North 79 degrees 15 minutes 44 seconds West 408.99 feet; runs thence North 07 degrees 07 minutes 07 seconds East 1611.89 feet to an iron pipe; runs thence South 82 degrees 23 minutes 52 seconds East, 670.09 feet to an iron pipe, a corner with J. A. Black; runs thence along J. A. Black's western line, South 36 degrees 36 minutes 08 seconds West, 387.00 feet to an iron pipe; runs thence along J. A. Black's southern boundary the following courses and distances; South 67 degrees 26 minutes 39 seconds East, 191.00 feet; South 16 degrees 50 minutes 44 seconds West, 131.00 feet; South 50 degrees 53 minutes 40 seconds East, 145.67 feet to an iron pipe in the eastern right of way of State Road 1900; continuing along the southern line of Fagg, South 50 degrees 53 minutes 40 seconds East, 31.33 feet to a point in the centerline of State Road 1900; runs thence along the centerline of State Road 1900, the following calls to point and place of BEGINNING: (A) South 22 degrees 20 minutes 38 seconds West, 92.60 feet; (B) South 25 degrees 11 minutes 53 seconds West, 100.31 feet; (C) South 26 degrees 31 minutes 05 seconds West, 103.98 feet; (D) South 26 degrees 33 minutes 47 seconds West, 431.42 feet; (E) South 26 degrees 17 minutes 43 seconds West, 251.77 feet; (F) South 26 degrees 17 minutes 43 seconds West, 1.55 feet; and (G) South 27 degrees 38 minutes 56 seconds West, 100.99 feet to the point and place of BEGINNING and containing 22.318 acres exclusive of right-of-way and .750 acres of right-of-way, according to survey and map by Kenneth Close, Inc., Land Surveyor, dated February 3, 1988, entitled "Property of Continental Land Sales, Inc., Carr Township, Durham County, North Carolina", the same being that property lying West of centerline of State Road 1900 (Coley Road) all as shown on Plat recorded in Plat Book 117, Page 198, Durham County Registry.

S O L I D W A S T E P E R M I T

(DEMOLITION LANDFILL)

CONDITIONS OF PERMIT:

1. This permit shall not be effective unless the certified copy is filed in the Register of Deeds Office, in the grantor index under the name of the owner of the land in the county or counties in which the land is located. After recordation, the certified copy shall be returned to the Solid Waste Branch and shall have indicated on it the page and book number, date of recordation, and Register's seal.
2. When this property is sold, leased, conveyed or transferred, 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 sanitary landfill.
3. The following requirements shall be met prior to receiving solid waste at the site:
 - a. Site preparation shall be in accordance with the construction plan.
 - b. Site inspection shall be made by a representative of the Division of Health Services.
 - c. The permit number and the words "NO UNAUTHORIZED DUMPING ALLOWED" shall be posted on an entrance sign.
4. This solid waste disposal site is permitted to receive solid waste as defined in 10 NCAC 10G, .0101(5); stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes as approved by the Branch.
5. This permit is for construction according to the attached plans. Additional conditions and revisions of the approved plans shall be approved by the North Carolina Solid Waste Branch.
6. This facility shall conform to operating procedures in Rule .0507 of the Solid Waste Management Rules and the following specific conditions:
 - a. Solid waste shall be restricted to the smallest area possible and compacted as densely as practical. The active area shall not exceed one (1) acre in size.
 - b. Adequate soil cover, a minimum of a 6-inch layer, shall be applied monthly, or when the active area reaches one (1) acre in size.
 - c. This site shall be adequately secured, by means of gates, chains, berms, fences, etc., to prevent unauthorized entry except when a trained operator is on duty.
7. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L (Attachment 3).
8. All earth-disturbing activities will be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4).



CITY OF DURHAM
NORTH CAROLINA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

101 CITY HALL PLAZA
DURHAM, NORTH CAROLINA
27701

(919) 683-4137

CITY OF MEDICINE

November 22, 1988

Mr. Dexter Matthews

Dear Sir,

This is to verify the zoning of an 88.20 acre tract located along Coley Road more specifically shown on tax map 985 block 1 lot 9. This parcel is zoned Rural District (RD) which allows for private land fills (Stump Dump). Approximately 22 acres of this property located on the west side of Coley Road is proposed for such a use and is allowable.

If I can be of further service please contact me at 683-4137 between 8 am and 4:30 pm.

Sincerely,

A handwritten signature in black ink that reads 'KEN CORY'. The signature is written in a cursive, somewhat stylized font. A long vertical line extends downwards from the bottom of the signature.

Kenneth Cory AICP
Principal Planner

Person(s) or firm(s) financially responsible for this land-disturbing activity.

Currin Bros., Inc.

Name of Person or Firm

Name of Person or Firm

P. O. Box 547

Mailing Address

Mailing Address

Fuquay-Varina, NC 27526
City State Zip

City State Zip

(919) 876-1138
Telephone

Telephone

2. Registered agent, if any, for the person or firm who is financially responsible:

Name

Name

Mailing Address

Telephone

3. The above information is true and correct to the best of my knowledge and belief and was provided by me while under oath. (This form must be signed by the financially responsible person if an individual and by an officer, director, partner, attorney-in-fact, or other person with authority to execute instruments for the financially responsible person if not an individual).

9/20/88
Date

Glenn R. Currin
Type or Print Name

President
Title or Authority

[Signature]
Signature

I, Sharon E. Greco, a Notary Public of the County of Wake, State of North Carolina, hereby certify that Glenn R. Currin personally before me this day and under oath acknowledged that the above form was executed by him.

Witness my hand and notarial seal, this 20th day of September, 19 88.

[Signature]
Notary

3/9/89
My Commission Expires



THIS CARD MUST BE PROMINENTLY
DISPLAYED AT THE LAND DISTURBING
SITE FOR WHICH IT IS ISSUED

COUNTY OF DURHAM, N.C.

THIS CERTIFIES THAT A

**LAND DISTURBING
PERMIT**

NUMBER L-856 DATED 10/11/88

HAS BEEN ISSUED TO

OWNER Currie Bros. Stump Dump

CONTRACTOR Currie Bros.

As required by the

Durham County and City Sedimentation and Erosion Control Ordinance

for a land disturbing activity not to exceed 348,480 ^(8 ACRES) SF/Acres

Located in Carr Township

On SR 1900 Road or Street

MAP. NO. 985 BLOCK NO. - LOT NO. 9

No land-disturbing activity authorized by this permit shall be commenced until all other licenses, permits, or approvals required by Federal, State, County or Municipal governments are obtained.

By: TR Kayman
SEDIMENTATION AND EROSION CONTROL OFFICER

PHONE: 688-1397

LAND DISTURBING PERMIT
DURHAM CITY AND COUNTY

0934-08

No L 856

October 11, 1988

PERMIT IS HEREBY GRANTED TO Currin Bros, Inc.

TO PERFORM A LAND DISTURBING ACTIVITY NOT TO EXCEED 348,480 SQ. FT.

AT Currin Stump Dump / SR 1900

MAP. NO. 985 BLOCK NO. - PARCEL 9

OWNED BY Currin Bros, Inc.

FEE OF \$ 800.00 RECEIVED FROM Currin Bros, Inc.

CASH/CHECK/MONEY ORDER # 023641 United Carolina Bank

No land-disturbing activity authorized by this permit shall be commenced until all other licenses, permits, or approvals required by Federal, State, County or Municipal governments are obtained.

Thomas R. Kaymin
SEDIMENTATION AND EROSION CONTROL OFFICE

Notice: You are required to report the date of commencement of land disturbing activity to this office.

HAS BEEN ISSUED TO

OWNER Currin Bros. Stump Dump

CONTRACTOR Currin Bros.

As required by the

Durham County and City Sedimentation and Erosion Control Ordinance

for a land disturbing activity not to exceed 348,480 SF/Acres

Located in Corr Township

On SR 1900 Road or Street

MAP. NO. 985 BLOCK NO. - LOT NO. 9

No land-disturbing activity authorized by this permit shall be commenced until all other licenses, permits, or approvals required by Federal, State, County or Municipal governments are obtained.

By: TR Kaymin
SEDIMENTATION AND EROSION CONTROL OFFICER

PHONE: 688-1397

G

CURRIN BROS. INC.

GRADING CONTRACTORS

P.O. BOX 547 - FUQUAY-VARINA, N.C. 27526

OFFICE: (919)876-1138

GLENN CURRIN: 552-2557

ALLEN CURRIN: 847-1657

November 3, 1988

NC Department of Human Resources
Division of Health Services
Wachovia Bank Building
Suite 606
Fayetteville, NC 28301

Attn: Dexter Matthews

Dear Mr. Matthews:

Per your request, the following individuals are responsible
for the operation and maintenance of Currin Stump Dump.

C. Allen Currin 876-1138

Glenn R. Currin 876-1138

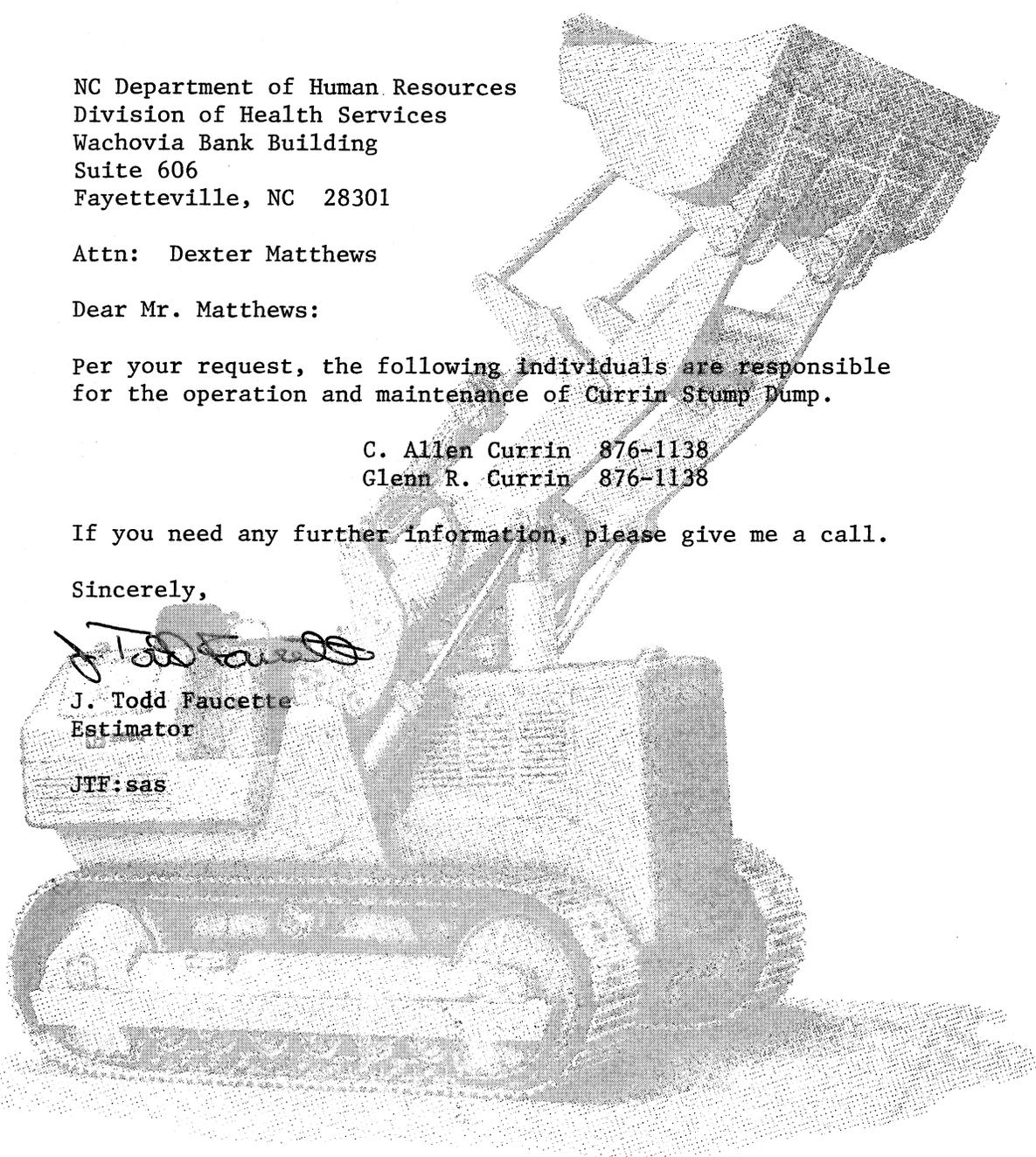
If you need any further information, please give me a call.

Sincerely,



J. Todd Faucette
Estimator

JTF:sas





**CITY OF DURHAM
NORTH CAROLINA**

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

101 CITY HALL PLAZA
DURHAM, NORTH CAROLINA
27701

(919) 683-4137

CITY OF MEDICINE

November 1, 1988

TO WHOM IT MAY CONCERN:

The property that you inquired about, shown on Tax Map 985, Block 1, Parcel 9, located at Coley Road/State Road 1900 is zoned RD (Rural District). This property is in Durham County, owned by Currin Bros., Inc.



Kenneth Cory, AICP
Principal Planner

KC/my



**CITY OF DURHAM
NORTH CAROLINA**

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

101 CITY HALL PLAZA
DURHAM, NORTH CAROLINA
27701

(919) 683-4137

CITY OF MEDICINE

November 22, 1988

Mr. Dexter Matthews

Dear Sir,

This is to verify the zoning of an 88.20 acre tract located along Coley Road more specifically shown on tax map 985 block 1 lot 9. This parcel is zoned Rural District (RD) which allows for private land fills (Stump Dump). Approximately 22 acres of this property located on the west side of Coley Road is proposed for such a use and is allowable.

If I can be of further service please contact me at 683-4137 between 8 am and 4:30 pm.

Sincerely,

A handwritten signature in black ink that reads 'KEN CORY'. The signature is written in a cursive, somewhat stylized font. A long vertical line extends downwards from the bottom of the signature.

Kenneth Cory AICP
Principal Planner

NORTH CAROLINA

DURHAM COUNTY

THIS DEED, made this 19 day of August,
1988 by Continental Land Sale, Inc., a Delaware corporation,
Grantor, to Currin Bros. Inc., a North Carolina corporation,
Grantee, Grantee's address: P.O. Box 18974, Raleigh, N.C. 27619

WITNESSETH:

Grantor, in consideration of Ten Dollars and other valuable
considerations paid it by Grantee, the receipt of which is
hereby acknowledged, has bargained and sold, and by these presents
does hereby bargain, sell and convey unto Grantee, its successors
and assigns, subject to the provision hereinafter set forth,
that certain tract or parcel of land in Durham County, North
Carolina, as more particularly described on Exhibit "A" attached
hereto, made a part hereof and incorporated herein by reference.

TO HAVE AND TO HOLD said land and premises, together with
all privileges and appurtenances thereunto belonging, unto
said Grantee, its successors and assigns, forever.

This conveyance is made subject to and without any guarantee
or warranty of any sort as to access, acreage, suitability
for any particular use, availability of utilities, any zoning
or land use restrictions there may be against the property,
any easements or other limiting matters of record affecting
the property, any matters that might be revealed by a physical
inspection or a currently accurate survey of the property,
to the accuracy of the survey by which the property is described
herein, and to any other limiting matters and reservations,
if any, that are recited in Exhibit "A", and, otherwise, Grantor,
for itself. its successors and assigns, does hereby covenant
with Grantee, its successors and assigns, that it has done
nothing to impair such title as it received, and that it hereby
warrants and will defend the title to the same against the
lawful claims of all persons claiming by, through or under
it.

*Drawn by J. D. Clushin Jr.
Attorney, Raleigh, N.C.*

17715

IN WITNESS WHEREOF Grantor has duly executed this deed
the day and year above written.

CONTINENTAL LAND SALES, INC.

By Larry M. Ladd *mla*
alt



Attest:

Linda M. Haynie
Assistant Secretary

STATE OF Georgia
COUNTY OF Chatham

I, Notary Public in and for the aforesaid County and State,
certify that Linda M. Haynie personally appeared before
me this day and acknowledged that she is Assistant
Secretary of Continental Land Sales, Inc., a Delaware corporation,
and that by authority duly given and as the act of the corporation,
the foregoing instrument was signed in its name by its Vice
President, sealed with its corporate seal and attested by herself
as its Assistant Secretary.

Witness my hand and official stamp or seal this 19 day
of August, 1988.

Sheila B. Anderson
Notary Public

My commission expires:

SHEILA B. ANDERSON
Notary Public, Chatham County, Ga.
My Commission Expires Jan. 3, 1992

FILED
BOOK 1475 PAGE 428-430
AUG 31 11 57 AM '88
RUTH C. GARRETT
REGISTER OF DEEDS
DURHAM COUNTY NC

State of North Carolina-Durham County

The foregoing certificate(s) of

Sheila B. Anderson

A Notary (Notaries) Public for the Designated Government's
units is (are) certified to be correct.

This the 31 day of August A.D. 1988

Ruth C. Garrett
Register of Deeds

By: Assistant, Deputy
Register of Deeds

Exhibit "A" to Deed dated August 19, 1988 from Continental Land Sales, Inc., a Delaware corporation, to Currin Bros. Inc.

DURHAM COUNTY

Beginning at a point in the center of SR 1900, Coley Road, which point is N 27-38-56 E 100.99 feet and N 26-17-43 E 1.55 feet from the point where the center line of SR1900 intersects the southern line of the herein described property; runs from said beginning point S 78-56-32 E 194.86 feet to an iron pipe found; runs thence N 20-49-30 E 908.11 feet to an iron pipe found; runs thence S 51-00-09 E 118.65 feet to an iron pipe found; runs thence N 36-13-36 E 828.44 feet to an iron pipe found; runs thence S 82-04-50 E 126.01 feet to an iron pipe found; runs thence N 46-28-49 E 45.77 feet to a point on a creek; runs thence along said creek, its center being the property line, N 49-36-02 E 49.03 feet, N 7-58-58 E 321.30 feet to a point in the south side of SR 1902, and continuing the same course 6.38 feet to a point in the right of way of SR 1902; runs thence inside said right of way S 36-51-55 E 347.44 feet to a point on the south side of said road right of way, and then leaving said right of way and continuing the same course 112.97 feet to a point; runs thence N 86-11-14 E 21 feet to an iron pipe found; runs thence S 40-29-40 W 170.56 feet to an iron pipe found which pipe witnesses the center of a creek which is the property line; runs thence along the center line of the creek witnessed by the following traverse lines as follows: S 64-24-31 E 241.34 feet to a hub and tack, S 38-25-31 E 282.31 feet to a hub and tack, S 61-02-47 E 275.50 feet to an iron pipe found, S 39-37-11 E 218.33 feet to an iron pipe found and S 17-06-44 E 178.12 feet to an iron pipe set; thence leaving said creek and running S 19-38-52 W 561 feet to an iron pipe found and S 18-08-52 W 456.31 feet to an iron pipe found; runs thence N 79-15-44 W 1439.69 feet to a point that is witnessed by an iron pipe found 12.80 feet north of said point, continuing the same course 688.18 feet to an iron pipe set on the east side of SR 1900, continuing the same course 62.72 feet to an iron pipe set on the west side of SR 1900, and continuing the same course 408.99 feet to an iron pipe found; runs thence N 07-07-07 E 104.75 feet to a point witnessed by an iron pipe found .52 feet east of said point, continuing the same course 370.18 feet to an iron pipe found, continuing the same course 321.89 feet to a point witnessed by an iron pipe found that is .14 feet west of said point, continuing the same course 123.72 feet to a point witnessed by an iron pipe found that is .24 feet east of said point, continuing the same course 460.52 feet to a concrete monument and continuing the same course 230.83 feet to an iron pipe found; runs thence S 82-23-52 E 670.09 feet to an iron pipe found; runs thence S 36-36-08 W 387 feet to an iron pipe set; runs thence S 67-26-39 E 191 feet to an iron pipe set; runs thence S 16-50-44 W 131 feet to an iron pipe set; runs thence S 50-53-40 E 145.67 feet to an iron pipe set on the west side of SR 1900 and continuing the same course 31.33 feet to a point in the center of said road; runs thence along the center of said SR 1900 the following courses and distances, S 22-20-38 W 92.60 feet, S 25-11-53 W 100.31 feet, S 26-31-05 W 103.98 feet, S 26-33-47 W 431.42 feet and S 26-17-43 W 251.77 feet to the beginning, all according to a survey and map made by Kenneth Close, Inc., Land Surveyor, under date of 2-3-88 entitled "Property of Continental Land Sales, Inc., Carr Township, Durham County, North Carolina" and containing, according to said map, a total of 88.041 acres exclusive of the highway right of way. See Plat Book 117 page 198.

This deed is made subject to the right of way of SR 1900 and SR 1902 crossing or adjoining the property, and to the 180 feet wide Carolina Power and Light Company easement crossing the property as shown on said map.

Grantor's deed is in Book 1293 page 949, Durham County Registry.



State of North Carolina
Department of Natural Resources and Community Development

Division of Environmental Management
512 North Salisbury Street • Raleigh, North Carolina 27611

James G. Martin, Governor
S. Thomas Rhodes, Secretary

R. Paul Wilms
Director

October 12, 1988

Mr. J. Todd Faucette, Estimator
Currin Bros., Inc.
P. O. Box 547
Fuquay-Varina, NC 27526

Subject: Proposed Fill in
Headwaters or Isolated
Wetlands
Currin Bros. Grading
Contractors
Durham County

Dear Mr. Faucette:

Upon review of your request for Water Quality Certification to place fill material in a tributary to Laurel Creek, we have determined that the proposed fill can be covered by General Water Quality Certification No. 2176 issued November 4, 1987. A copy of the General Certification is attached. This Certification may be used in qualifying for coverage under Corps of Engineers' Nationwide Permit No. 26.

If you have any questions, please contact Bill Mills at 919/733-5083.

Sincerely,


R. Paul Wilms

RPW/dkb

Attachment

cc: Wilmington District Corps of Engineers
Raleigh Regional Office

Pollution Prevention Pays

P.O. Box 27687, Raleigh, North Carolina 27611-7687 Telephone 919-733-7015

An Equal Opportunity Affirmative Action Employer

3. That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities;
4. That established erosion control practices are utilized to prevent excessive increases in turbidity and settleable solids concentrations in the water body as a result of the discharge;
5. That the discharge of fill material shall be in accordance with the conditions and management practices specified by the Corps of Engineers in 33 CFR 330.5 and 330.6 for nationwide permit number 26.

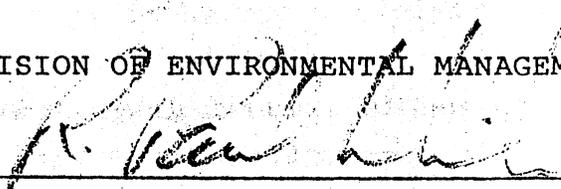
Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of this Certification for the project.

The Director of the North Carolina Division of Environmental Management may require submission of a formal application for certification for any project in this category of activity, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade the waters so that existing uses are precluded.

Public Hearings may be held for specific applications or group of applications prior to Certification if deemed in the public's best interest by the Director of the North Carolina Division of Environmental Management.

This the 5th day of November 1987.

DIVISION OF ENVIRONMENTAL MANAGEMENT

By 

R. Paul Wilms, Director

GENERAL CERTIFICATION

THIS GENERAL CERTIFICATION is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Environmental Management Regulations in 15NCAC2H, Section .0500 for the discharge of fill material to navigable waters or adjacent wetlands areas which are above the headwaters or to wetland areas that are not a part of the surface tributary system to interstate waters or navigable waters of the United States (i.e. isolated wetlands) as described in 33 CFR 330.5(a)(26) of the Corps of Engineers' regulations. The category of activities shall include any fill activity in these headwaters and isolated wetlands areas where the activity does not result in the loss or substantial modification of 10 acres or more of waters of the United States, including wetlands.

The State of North Carolina certifies that the specified category of activity will not violate Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Conditions of Certification:

1. Proposed fill or substantial modification of 1 to 10 acres of such waters, including wetlands, requires a written concurrence from the Division of Environmental Management. Activities involving less than one acre do not require written concurrence.
2. Excluded from this General Certification are discharges of fill in waters classified WS I, II, or III (public water supplies) and SA (shellfish waters). This exclusion also applies to fill in wetlands adjacent to these waters. Discharge proposed for these waters or wetlands must be considered for certification on a case-by-case basis;

LAND DISTURBING PERMIT
DURHAM CITY AND COUNTY

0934-08

No L 856

October 11, 19 88

PERMIT IS HEREBY GRANTED TO Currin Bros., Inc.

TO PERFORM A LAND DISTURBING ACTIVITY NOT TO EXCEED 348,480 SQ. FT.

AT Currin Stump Dump / SR 1900

MAP. NO. 985 BLOCK NO. - PARCEL 9

OWNED BY Currin Bros., Inc.

FEE OF \$ 800.00 RECEIVED FROM Currin Bros., Inc.

CASH/CHECK/MONEY ORDER # 023641 United Carolina Bank

No land-disturbing activity authorized by this permit shall be commenced until all other licenses, permits, or approvals required by Federal, State, County or Municipal governments are obtained.

Thomas P. Kayman

SEDIMENTATION AND EROSION CONTROL OFFICE

Notice: You are required to report the date of commencement of land disturbing activity to this office.

HAS BEEN ISSUED TO

OWNER Currin Bros. Stump Dump

CONTRACTOR Currin Bros.

As required by the

Durham County and City Sedimentation and Erosion Control Ordinance

for a land disturbing activity not to exceed 348,480 SF/Acres

Located in Carr Township

On SR 1900 Road or Street

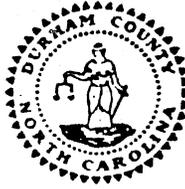
MAP. NO. 985 BLOCK NO. - LOT NO. 9

No land-disturbing activity authorized by this permit shall be commenced until all other licenses, permits, or approvals required by Federal, State, County or Municipal governments are obtained.

By: TR Kayman
SEDIMENTATION AND EROSION CONTROL OFFICER

PHONE: 688-1397

G



OCT 5 1988

COUNTY OF DURHAM
SEDIMENTATION AND EROSION CONTROL

September 30, 19 88

Currin Brothers, Inc.
P. O. Box 547
Fuquay-Varina, NC 27526
Attn: Glenn R. Currin

Dear Mr. Currin:

RE: Letter of Approval

Project Name: Currin Stump Dump
Job Control No. 0934-08
Submitted by: Addressee
Date Received: 9/21/88
New Submittal (X) Revised ()

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 (if any stipulations or recommendations are applicable, a list is enclosed and is incorporated as a part of this letter of approval).

Please be advised that a copy of the approved plan must be on file at the job site, and that a land-disturbing permit must be obtained and prominently displayed. Also, inspections will be performed by this office over the life of the project to insure compliance with the approved plan.

The Durham County and City Sedimentation and Erosion 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 Sedimentation and Erosion Control plan is inadequate to meet the requirements of the Sedimentation and Erosion Control Ordinance, this office may require revisions in the plan and its implementation to insure compliance with the Ordinance.

Recognizing the desirability of early coordination of Sedimentation Control, we believe that it would be beneficial if a pre-construction conference can be arranged to discuss the approved plan for this project. Please contact this office and let us know the date of construction start-up and the date of the pre-construction conference so that we may try to attend.

We look forward to working with you on this project.

Sincerely,

Thomas R. Kagarise
EROSION CONTROL OFFICER



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

October 11, 1988

IN REPLY REFER TO

Regulatory Branch

SUBJECT: Nationwide Permit No. 26

Mr. Todd Faucette
Currin Bros., Inc.
Post Office Box 547
Fuquay-Varina, North Carolina 27526

Dear Mr. Faucette:

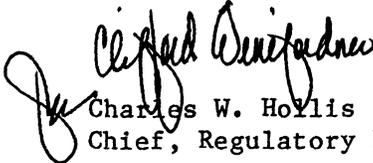
On October 4, 1988, you met with Ms. Kathy Trott of my staff at the Raleigh Field Office to discuss a proposed stump dump for Currin Bros, Inc., located south of N.C. 98 off Coley Road (State Road 1901) west of the Wake/Durham County lines in Durham County, North Carolina.

At the meeting, you stated that less than one (1) acre of wetlands and/or waters of the United States would be filled by this project. The site is located above the headwaters of Laural Creek. For the purposes of the Corps of Engineers' Regulatory Program, Title 33, Code of Federal Regulations (CFR), Part 330, published in the Federal Register on November 13, 1986, lists nationwide permits. Authorization was provided for discharges of dredged or fill material into non-tidal rivers, streams, and their lakes and impoundments, including adjacent wetlands, that are located above the headwaters and other non-tidal waters of the United States, including adjacent wetlands, that are not a part of a surface tributary system to interstate waters or navigable waters of the United States. This general authorization is valid only for work that causes the loss or substantial adverse modification of less than 1 acre of wetlands.

Your work, as described at your meeting on October 4, 1988, is authorized by the above nationwide permit provided it is accomplished in strict accordance with the enclosed conditions. Please be aware that this authorization will not relieve you of the responsibility to obtain any required State or local approval.

Should you have any questions, please contact Ms. Kathy Trott,
Regulatory Branch, Raleigh Field Office, (919) 846-0749.

Sincerely,



Charles W. Hoylis
Chief, Regulatory Branch

Enclosure

Copies Furnished (without enclosure):

Mr. John Parker
North Carolina Department of
Natural Resources and
Community Development
Post Office Box 27687
Raleigh, North Carolina 27611-7687

Mr. Tom Kegerize
Durham County Sedimentation and
Erosion Control
120 East Parrish Street
Suite 100
Durham, North Carolina 27701

Mr. William Mills
Water Quality Section
Division of Environmental Management
North Carolina Department of Natural
Resources and Community Development
Post Office Box 27687
Raleigh, North Carolina 27611-7687

CONDITIONS

- a. Any discharge of dredged or fill material will not occur in the proximity of a public water supply.
- b. The activity will not jeopardize a threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species.
- c. The activity will not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody (unless the primary purpose of the fill is to impound water).
- d. Any discharge of dredged or fill material will consist of suitable material free from toxic pollutants.
- e. Any structure or fill will be properly maintained.
- f. The activity will not occur in a component of the National Wild and Scenic River System nor in a river officially designated by Congress as a "study river" for possible inclusion in the system.
- g. If the activity may adversely affect historic properties which the National Park Service has listed on, or determined eligible for listing on, the National Register of Historic Places, or if significant historic properties are encountered before or during work, the permittee will notify the District Engineer.
- h. An individual state water quality certification must be obtained or waived. Conditions of certification will be considered to be special conditions of the Federal nationwide permit.
- i. The following management practices will be followed to the maximum extent:
 - (1) Discharges of dredged or fill material into waters of the United States will be avoided or minimized through the use of other practical alternatives.
 - (2) Discharges in spawning areas during spawning seasons will be avoided.
 - (3) Discharges will not restrict or impede the movement of aquatic species indigenous to the waters or the passage of normal or expected high flows or cause the relocation of the waters (unless the primary purpose of the fill is to impound water).

(4) If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow will be minimized.

(5) Discharge in wetland areas will be avoided.

(6) Heavy equipment working in wetlands will be placed on mats.

(7) Discharges into breeding areas for migratory waterfowl will be avoided.

(8) All temporary fills will be removed in their entirety.

.0506 APPLICATION REQUIREMENTS FOR DEMOLITION LANDFILLS (REPEALED)

*History Note: Statutory Authority G.S. 130A-294;
 Eff. April 1, 1982;
 Amended Eff. February 1, 1991; September 1, 1990.;
 Repealed Eff. January 4, 1993.*

.0507 OPERATIONAL REQUIREMENTS FOR DEMOLITION LANDFILLS (REPEALED)

*History Note: Statutory Authority G.S. 130A-294;
 Eff. April 1, 1982;
 Amended Eff. February 1, 1991; September 1, 1990.;
 Repealed Eff. January 4, 1993.*

15A NCAC 13B .0511 through .0559 is 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-294;
 Eff. January 4, 1993.*

15A NCAC 13B .0561 is 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 REQUIREMENTS FOR LAND CLEARING AND 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 N.C.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 Rule .0563(2)(b). 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 .0563(5), 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 .0563(1)(a) 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 .0564 except for .0564(10).
 - (e) Disposal sites are not subject to the requirements of .0563(2) and .0204.

(6) Landfills that are currently permitted as demolition landfills are required to comply with the following:

- ✓(a) Only waste types as described in .0563(3)(a) 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 .0566 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.
- X ✓(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 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.
 - (c) Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards.
 - (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.
 - (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.

FOR
NORTH
END OF
SITE.

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

.0565 APPLICATION REQUIREMENTS FOR LAND CLEARING AND 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.
 - (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.
 - (d) A written report indicating that the facility shall comply with all the requirements set forth under Rule .0564.
 - (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.
 - (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.

- FROM DUNHAM COUNTY EROSION CONTROL.
- (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.
 - (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 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.
 - (e) An emergency contingency plan, including fire fighting procedures.

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

✓ **.0566 OPERATIONAL REQUIREMENTS FOR LAND CLEARING AND 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.*

RECORD OF COMMUNICATION

- PHONE CALL DISCUSSION FIELD TRIP CONFERENCE
 OTHER (SPECIFY)

(Record of item checked above)

TO: JIM BARBER

FROM: BEW FISH

DATE

TIME

SUBJECT

15P
GLEW/ALLEN CURRIE

SUMMARY OF COMMUNICATION

- ① ELEVATION 460 VS. 480/500 MSL -
- ② H₂O ELEVATION INFO.
- ③ STORAGE YARD: ITEMS INCLUDED,
 - ④ DON'T GO OVER TREE TOP.
 - ⑤ 480? TO 500?
 - ⑥ KEEP SECURITY.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

INFORMATION COPIES

TO:



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

September 9, 1988

IN REPLY REFER TO

Regulatory Branch

Mr. Todd Faucette
Currin Brothers
Post Office Box 547
Fuquay-Varina, North Carolina 27526

Dear Mr. Faucette:

On June 8, 1988, you met with Ms. Kathy Trott of my staff at two sites located south of N.C.98 off Coley Road (State Road 1901) west of the Wake/Durham County lines in Durham County, North Carolina. The purpose of this meeting was to inspect the properties for the presence of waters or wetlands subject to Department of the Army authority.

Federal permit authorization would be required to place excavated or fill material within the creek beds of several intermitted streams on both sites. There are no adjacent wetlands associated with any of the tributaries which were noted. These tributaries are above the headwaters of Laurel Creek in the case of the site on the western side of Coley Road and above the headwaters of Upper Barton Creek in the case of the site on the eastern side of Coley Road.

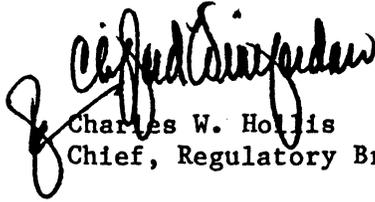
For the purposes of the Corps of Engineers' Regulatory Program, Title 33, Code of Federal Regulations (CFR), Part 330, published in the Federal Register on November 13, 1986, lists nationwide permits. Authorization was provided for discharges of dredged or fill material into non-tidal rivers, streams, and their lakes and impoundments, including adjacent wetlands, that are located above the headwaters and other non-tidal waters of the United States, including adjacent wetlands, that are not a part of a surface tributary system to interstate waters or navigable waters of the United States. This general authorization is valid only for work that causes the loss or substantial adverse modification of less than one acre of wetlands.

Your proposed development of both sites may be authorized by the above nationwide permit. We recommend that as specific plans

are developed, you provide a copy to the Raleigh Field Office for verification of applicability to the nationwide permit. Please be aware that this authorization will not relieve you of the responsibility to obtain any required State or local approval, including a State Water Quality Certification. You should contact Mr. Bill Mills of the N.C. Division of Environmental Management, telephone (919) 733-5083, concerning this required certification.

Should you have any questions, please contact Ms. Kathy Trott, Regulatory Branch, Raleigh Field Office, (919) 846-0749.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Hollis", is written over the typed name and title.

Charles W. Hollis
Chief, Regulatory Branch

Copy Furnished:

Mr. Tom Kegerize
Durham County Sedimentation and
Erosion Control
120 East Parrish Street
Suite 100
Durham, North Carolina 27701



State of North Carolina
Department of Natural Resources and Community Development

Division of Environmental Management
512 North Salisbury Street • Raleigh, North Carolina 27611

James G. Martin, Governor
S. Thomas Rhodes, Secretary

R. Paul Wilms
Director

October 12, 1988

Mr. J. Todd Faucette, Estimator
Currin Bros., Inc.
P. O. Box 547
Fuquay-Varina, NC 27526

Subject: Proposed Fill in
Headwaters or Isolated
Wetlands
Currin Bros. Grading
Contractors
Durham County

Dear Mr. Faucette:

Upon review of your request for Water Quality Certification to place fill material in a tributary to Laurel Creek, we have determined that the proposed fill can be covered by General Water Quality Certification No. 2176 issued November 4, 1987. A copy of the General Certification is attached. This Certification may be used in qualifying for coverage under Corps of Engineers' Nationwide Permit No. 26.

If you have any questions, please contact Bill Mills at 919/733-5083.

Sincerely,


R. Paul Wilms

RPW/dkb

Attachment

cc: Wilmington District Corps of Engineers
Raleigh Regional Office

Pollution Prevention Pays

P.O. Box 27687, Raleigh, North Carolina 27611-7687 Telephone 919-733-7015

An Equal Opportunity Affirmative Action Employer

3. That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities;
4. That established erosion control practices are utilized to prevent excessive increases in turbidity and settleable solids concentrations in the water body as a result of the discharge;
5. That the discharge of fill material shall be in accordance with the conditions and management practices specified by the Corps of Engineers in 33 CFR 330.5 and 330.6 for nationwide permit number 26.

Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of this Certification for the project.

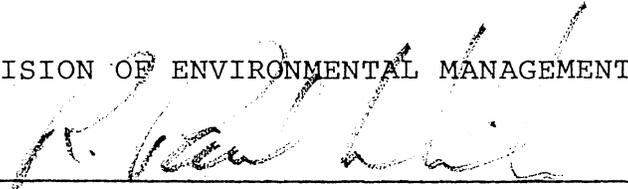
The Director of the North Carolina Division of Environmental Management may require submission of a formal application for certification for any project in this category of activity, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade the waters so that existing uses are precluded.

Public Hearings may be held for specific applications or group of applications prior to Certification if deemed in the public's best interest by the Director of the North Carolina Division of Environmental Management.

This the 5th day of November 1987.

DIVISION OF ENVIRONMENTAL MANAGEMENT

By



R. Paul Wilms, Director

GENERAL CERTIFICATION

THIS GENERAL CERTIFICATION is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Environmental Management Regulations in 15NCAC2H, Section .0500 for the discharge of fill material to navigable waters or adjacent wetlands areas which are above the headwaters or to wetland areas that are not a part of the surface tributary system to interstate waters or navigable waters of the United States (i.e. isolated wetlands) as described in 33 CFR 330.5(a)(26) of the Corps of Engineers' regulations. The category of activities shall include any fill activity in these headwaters and isolated wetlands areas where the activity does not result in the loss or substantial modification of 10 acres or more of waters of the United States, including wetlands.

The State of North Carolina certifies that the specified category of activity will not violate Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Conditions of Certification:

1. Proposed fill or substantial modification of 1 to 10 acres of such waters, including wetlands, requires a written concurrence from the Division of Environmental Management. Activities involving less than one acre do not require written concurrence.
2. Excluded from this General Certification are discharges of fill in waters classified WS I, II, or III (public water supplies) and SA (shellfish waters). This exclusion also applies to fill in wetlands adjacent to these waters. Discharge proposed for these waters or wetlands must be considered for certification on a case-by-case basis;

CURRIN BROS. INC.

GRADING CONTRACTORS

P.O. BOX 547 - FUQUAY-VARINA, N.C. 27526

OFFICE: (919)876 -1138

GLENN CURRIN: 552-2557

ALLEN CURRIN: 847-1657

November 3, 1988

NC Department of Human Resources
Division of Health Services
Wachovia Bank Building
Suite 606
Fayetteville, NC 28301

Attn: Dexter Matthews

RE: Currin Stump:Dump

Dear Mr. Matthews:

Enclosed is a copy of the deed verifying the fact that Currin Bros., Inc. owns the above mentioned property.

This deed shows that Currin Bros., Inc. owns some 86+ acres. The stump dump only accounts for 22.318 acres located on the west side of Coley Rd. (SR1900)

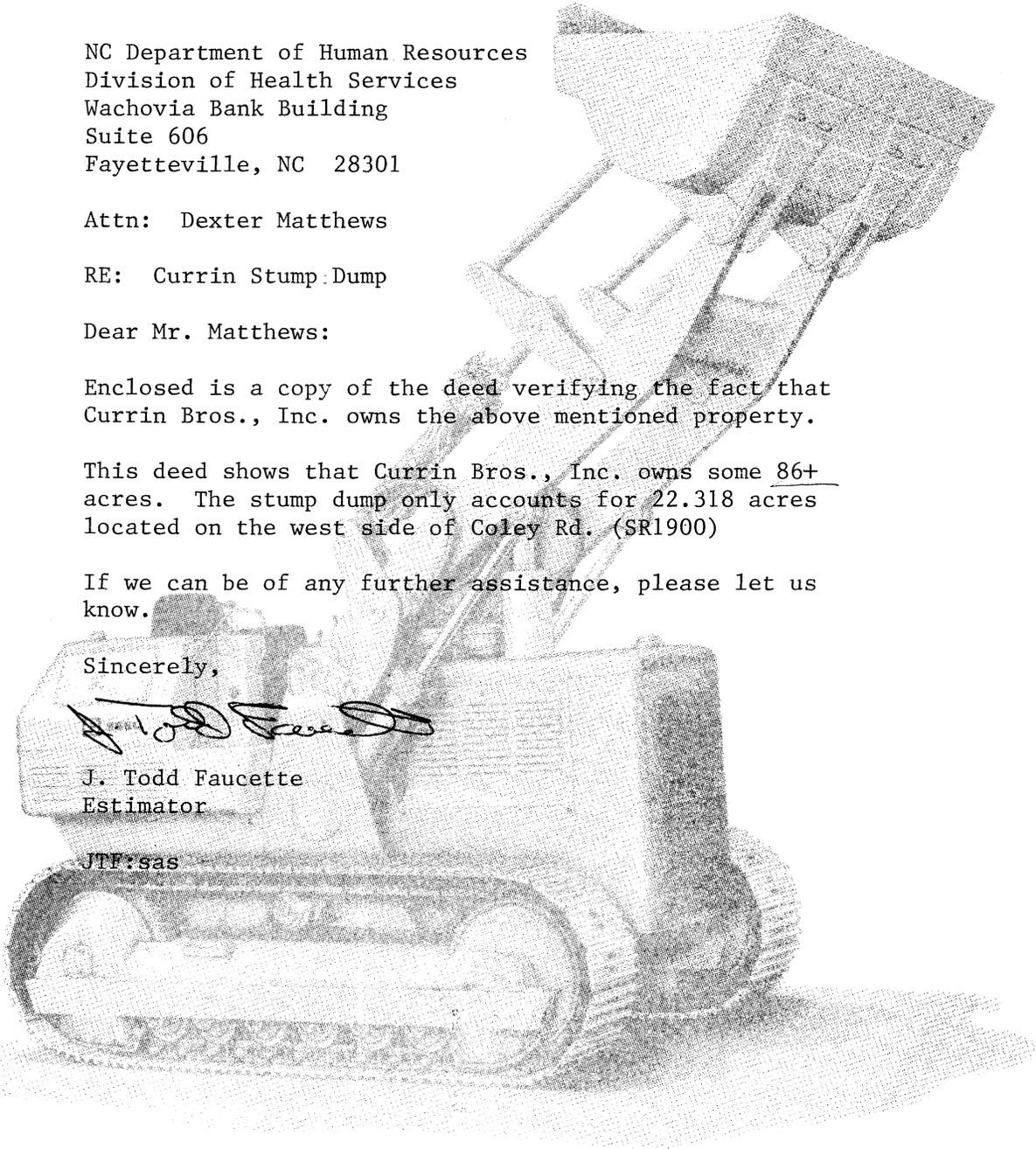
If we can be of any further assistance, please let us know.

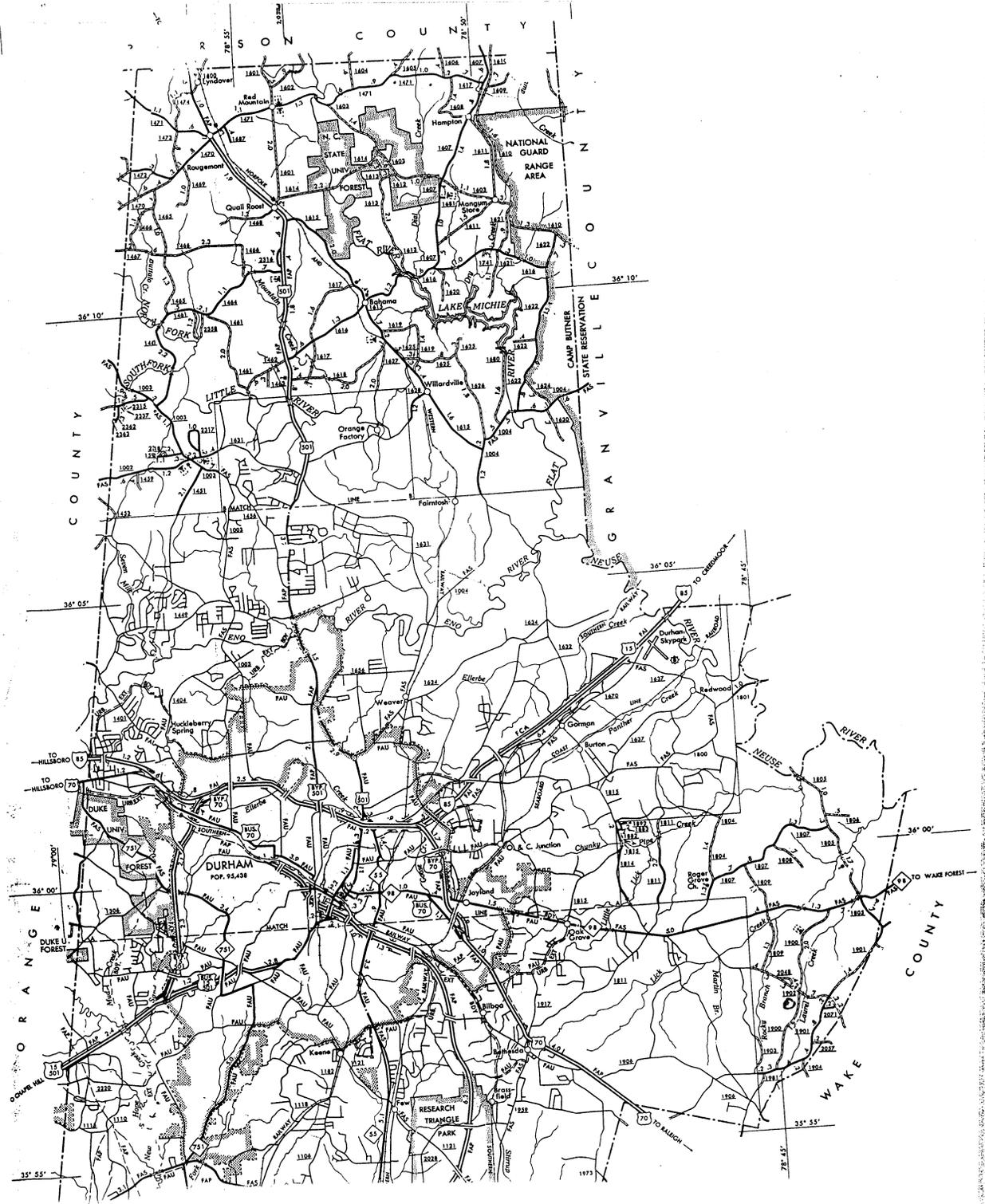
Sincerely,



J. Todd Faucette
Estimator

JTF:sas





A. Settlement Statement

U.S. Department of Housing and Urban Development



OMB No. 2502-0265 (Exp. 12-31-86)

B. Type of Loan

1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> FmHA	3. <input type="checkbox"/> Conv. Unins.	6. File Number	7. Loan Number	8. Mortgage Insurance Case Number
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv. Ins.				

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name and Address of Borrower CURRIN BROS. INC.	E. Name and Address of Seller CONTINENTAL LAND SALES, INC.	F. Name and Address of Lender N/A
---	--	---

G. Property Location S.R. 1900, Coley Road Keith-Ferrell Tract 88.041 Acres, Carr Township Durham County, North Carolina	H. Settlement Agent Seay, Harvey, Titchener & Horne Place of Settlement 4934 Windy Hill Drive Raleigh, NC 27609	I. Settlement Date 8/30/88
---	--	--------------------------------------

J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due From Borrower		400. Gross Amount Due To Seller	
101. Contract sales price	211,298.40	401. Contract sales price	211,298.40
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	3,485.53	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes to		406. City/town taxes to	
107. County taxes 8-30 to 12-31	258.00	407. County taxes 8-30 to 12-31	258.00
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due From Borrower	215,041.93	420. Gross Amount Due To Seller	211,556.40
200. Amounts Paid By Or In Behalf Of Borrower		500. Reductions In Amount Due To Seller	
201. Deposit or earnest money	2,000.00	501. Excess deposit (see instructions)	2,000.00
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	13,210.92
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes to		510. City/town taxes to	
211. County taxes to		511. County taxes to	
212. Assessments to		512. Assessments to	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid By/For Borrower	2,000.00	520. Total Reduction Amount Due Seller	15,210.92
300. Cash At Settlement From/To Borrower		600. Cash At Settlement To/From Seller	
301. Gross Amount due from borrower (line 120)	215,041.93	601. Gross amount due to seller (line 420)	211,556.40
302. Less amounts paid by/for borrower (line 220)	(2,000.00)	602. Less reductions in amt. due seller (line 520)	(15,210.92)
303. Cash <input checked="" type="checkbox"/> From <input type="checkbox"/> To Borrower	213,041.93	603. Cash <input checked="" type="checkbox"/> To <input type="checkbox"/> From Seller	196,345.48

700. Total Sales/Broker's Commission based on price 11,298.40 @ 6 % = 12,677.9		Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
Division of Commission (line 700) as follows:			
701. \$ 12,677.90	to Oak City REALTY		
702. \$	to		
703. Commission paid at Settlement			12,677.90
704.			
800. Items Payable In Connection With Loan			
801. Loan Origination Fee	%		
802. Loan Discount	%		
803. Appraisal Fee	to		
804. Credit Report	to		
805. Lender's Inspection Fee			
806. Mortgage Insurance Application Fee to			
807. Assumption Fee			
808.			
809.			
810.			
811.			
900. Items Required By Lender To Be Paid In Advance			
901. Interest from	to @ \$	/day	
902. Mortgage Insurance Premium for		months to	
903. Hazard Insurance Premium for		years to	
904.		years to	
905.			
1000. Reserves Deposited With Lender			
1001. Hazard Insurance	months@\$	per month	
1002. Mortgage Insurance	months@\$	per month	
1003. City property taxes	months@\$	per month	
1004. County property taxes	months@\$	per month	
1005. Annual assessments	months@\$	per month	
1006.	months@\$	per month	
1007.	months@\$	per month	
1008.	months@\$	per month	
1100. Title Charges			
1101. Settlement or closing fee	to		
1102. Abstract or title search	to		
1103. Title examination	to SEAY, HARVEY, TITCHENER & HORNE	3,100.00	
1104. Title insurance binder	to		
1105. Document preparation	to SEAY, HARVEY, TITCHENER & HORNE		90.00
1106. Notary fees	to		
1107. Attorney's fees	to		
(includes above items numbers:)		
1108. Title insurance	to Commonwealth Land Title	375.53	
(includes above items numbers:)		
1109. Lender's coverage	\$		
1110. Owner's coverage	\$ 211,298.00		
1111.			
1112.			
1113. Wire Transfer Fee			7.00
1200. Government Recording and Transfer Charges			
1201. Recording fees: Deed \$ 10.00	; Mortgage \$; Releases \$	10.00
1202. City/county tax/stamps: Deed \$; Mortgage \$		
1203. State tax/stamps: Deed \$ 211.50	; Mortgage \$		211.50
1204. recording encroachment agreements			24.00
1205.			
1300. Additional Settlement Charges			
1301. Survey	to		
1302. Pest Inspection to			
1303. 1979 Durham County Taxes			155.40
1304. 1988 Durham County Taxes (2 ac. tract) the 88 ac. tract taxes			45.12
1305. paid by Seller in the amount of 714.32.			
1400. Total Settlement Charges (enter on lines 193, Section J and 502, Section K)		3,485.53	13,210.92

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of HUD-1 Settlement Statement.



Charlotte Land Sales, Inc.

COUNTY OF DURHAM
SEDIMENTATION AND EROSION CONTROL

September 21, 19 88

Currin Brothers, Inc.
P. O. Box 547
Fuquay-Varina, NC 27526
Attn: Glenn R. Currin

Dear Mr. Currin :

RE: Letter of Receipt
Project Name: Currin Stump Dump
Job Control No. 0934-08
Submitted by: Addressee
Date Received: 9/21/88

This office has received a Sedimentation and Erosion Control plan for the subject project which was submitted as required by the Durham County and City Sedimentation and Erosion Control Ordinance.

Please be advised that this Ordinance requires that all persons disturbing an area of more than one acre of land must obtain approval of a Sedimentation and Erosion Control plan and obtain a land-disturbing permit prior to the commencement of said land-disturbing activity. The Ordinance further states that this plan must be filed a minimum of 30 days prior to the activity and the approving authority must approve or disapprove the submitted plan within 30 days of receipt. Commencement of a land-disturbing activity under the jurisdiction of this Ordinance prior to the approval of a Sedimentation and Erosion Control plan and issuance of a permit is a violation of the Ordinance.

Enclosed you will find a Financial Responsibility/Ownership form for you to complete unless one was submitted with the Sedimentation and Erosion Control plan. This form must always be completed, notarized, and filed as a part of the plan before a permit can be issued. Please retain a copy of this form for your future use.

We will review the proposed plan as soon as possible and will notify you if deficiencies are determined. If you have any questions or need additional information, please do not hesitate to contact this office. Please refer to your Job Control Number in any future communication or correspondence.

Sincerely,

Thomas R. Kagarise

Thomas R. Kagarise
EROSION CONTROL OFFICER

NORTH CAROLINA

DURHAM COUNTY

THIS DEED, made this 19 day of August,
1988 by Continental Land Sale, Inc., a Delaware corporation,
Grantor, to Currin Bros. Inc., a North Carolina corporation,
Grantee, Grantee's address: P.O. Box 18974, Raleigh, N.C. 27619

WITNESSETH:

Grantor, in consideration of Ten Dollars and other valuable considerations paid it by Grantee, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does hereby bargain, sell and convey unto Grantee, its successors and assigns, subject to the provision hereinafter set forth, that certain tract or parcel of land in Durham County, North Carolina, as more particularly described on Exhibit "A" attached hereto, made a part hereof and incorporated herein by reference.

TO HAVE AND TO HOLD said land and premises, together with all privileges and appurtenances thereunto belonging, unto said Grantee, its successors and assigns, forever.

This conveyance is made subject to and without any guarantee or warranty of any sort as to access, acreage, suitability for any particular use, availability of utilities, any zoning or land use restrictions there may be against the property, any easements or other limiting matters of record affecting the property, any matters that might be revealed by a physical inspection or a currently accurate survey of the property, to the accuracy of the survey by which the property is described herein, and to any other limiting matters and reservations, if any, that are recited in Exhibit "A", and, otherwise, Grantor, for itself. its successors and assigns, does hereby covenant with Grantee, its successors and assigns, that it has done nothing to impair such title as it received, and that it hereby warrants and will defend the title to the same against the lawful claims of all persons claiming by, through or under it.

*Drawn by J. B. Cluskey Jr.
Attorney, Raleigh, N.C.*

IN WITNESS WHEREOF Grantor has duly executed this deed
the day and year above written.

CONTINENTAL LAND SALES, INC.

By Larry M Ladd *mls
alt*

Attest:

Linda M. Haynie
Assistant Secretary

STATE OF Georgia
COUNTY OF Chatham

I, Notary Public in and for the aforesaid County and State,
certify that Linda M. Haynie personally appeared before
me this day and acknowledged that she is Assistant
Secretary of Continental Land Sales, Inc., a Delaware corporation,
and that by authority duly given and as the act of the corporation,
the foregoing instrument was signed in its name by its Vice
President, sealed with its corporate seal and attested by herself
as its Assistant Secretary.

Witness my hand and official stamp or seal this 19th day
of August, 1988.

Sheila B Anderson
Notary Public

My commission expires:

SHEILA B. ANDERSON
Notary Public, Chatham County, Ga.
My Commission Expires Jan. 3, 1992

FILED
BOOK 1475-428-430

AUG 31 11 57 AM '88

RUTH C. GARRETT
REGISTER OF DEEDS
DURHAM COUNTY NC

State of North Carolina-Durham County

The foregoing certificate(s) of

Sheila B. Anderson

A Notary (Notaries) Public for the Designated Government's
units is (are) certified to be correct.

This the 31 day of August A.D. 19 88

Ruth C. Garrett
Register of Deeds

By: Deann H. Huggins
Assistant, Deputy
Register of Deeds

Exhibit "A" to Deed dated August 19, 1988 from Continental Land Sales, Inc., a Delaware corporation, to Currin Bros. Inc.

DURHAM COUNTY

Beginning at a point in the center of SR 1900, Coley Road, which point is N 27-38-56 E 100.99 feet and N 26-17-43 E 1.55 feet from the point where the center line of SR1900 intersects the southern line of the herein described property; runs from said beginning point S 78-56-32 E 194.86 feet to an iron pipe found; runs thence N 20-49-30 E 908.11 feet to an iron pipe found; runs thence S 51-00-09 E 118.65 feet to an iron pipe found; runs thence N 36-13-36 E 828.44 feet to an iron pipe found; runs thence S 82-04-50 E 126.01 feet to an iron pipe found; runs thence N 46-28-49 E 45.77 feet to a point on a creek; runs thence along said creek, its center being the property line, N 49-36-02 E 49.03 feet, N 7-58-58 E 321.30 feet to a point in the south side of SR 1902, and continuing the same course 6.38 feet to a point in the right of way of SR 1902; runs thence inside said right of way S 36-51-55 E 347.44 feet to a point on the south side of said road right of way, and then leaving said right of way and continuing the same course 112.97 feet to a point; runs thence N 86-11-14 E 21 feet to an iron pipe found; runs thence S 40-29-40 W 170.56 feet to an iron pipe found which pipe witnesses the center of a creek which is the property line; runs thence along the center line of the creek witnessed by the following traverse lines as follows: S 64-24-31 E 241.34 feet to a hub and tack, S 38-25-31 E 282.31 feet to a hub and tack, S 61-02-47 E 275.50 feet to an iron pipe found, S 39-37-11 E 218.33 feet to an iron pipe found and S 17-06-44 E 178.12 feet to an iron pipe set; thence leaving said creek and running S 19-38-52 W 561 feet to an iron pipe found and S 18-08-52 W 456.31 feet to an iron pipe found; runs thence N 79-15-44 W 1439.69 feet to a point that is witnessed by an iron pipe found 12.80 feet north of said point, continuing the same course 688.18 feet to an iron pipe set on the east side of SR 1900, continuing the same course 62.72 feet to an iron pipe set on the west side of SR 1900, and continuing the same course 408.99 feet to an iron pipe found; runs thence N 07-07-07 E 104.75 feet to a point witnessed by an iron pipe found .52 feet east of said point, continuing the same course 370.18 feet to an iron pipe found, continuing the same course 321.89 feet to a point witnessed by an iron pipe found that is .14 feet west of said point, continuing the same course 123.72 feet to a point witnessed by an iron pipe found that is .24 feet east of said point, continuing the same course 460.52 feet to a concrete monument and continuing the same course 230.83 feet to an iron pipe found; runs thence S 82-23-52 E 670.09 feet to an iron pipe found; runs thence S 36-36-08 W 387 feet to an iron pipe set; runs thence S 67-26-39 E 191 feet to an iron pipe set; runs thence S 16-50-44 W 131 feet to an iron pipe set; runs thence S 50-53-40 E 145.67 feet to an iron pipe set on the west side of SR 1900 and continuing the same course 31.33 feet to a point in the center of said road; runs thence along the center of said SR 1900 the following courses and distances, S 22-20-38 W 92.60 feet, S 25-11-53 W 100.31 feet, S 26-31-05 W 103.98 feet, S 26-33-47 W 431.42 feet and S 26-17-43 W 251.77 feet to the beginning, all according to a survey and map made by Kenneth Close, Inc., Land Surveyor, under date of 2-3-88 entitled "Property of Continental Land Sales, Inc., Carr Township, Durham County, North Carolina" and containing, according to said map, a total of 88.041 acres exclusive of the highway right of way. See Plat Book 117 page 198.

This deed is made subject to the right of way of SR 1900 and SR 1902 crossing or adjoining the property, and to the 180 feet wide Carolina Power and Light Company easement crossing the property as shown on said map.

Grantor's deed is in Book 1293 page 949, Durham County Registry.

Excise Tax --0--

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No. 985-9
Verified by County on the day of, 19
by

Mail after recording to

This instrument was prepared by George H. Harvey, Attorney at Law

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 5th day of January, 19 89, by and between

GRANTOR

GRANTEE

CURRIN BROS. INC.

CURRIN BROS. INC.

P.O. Box 547
Raleigh, N.C. 27619

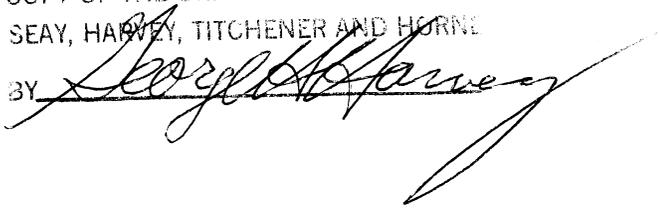
Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of, Carr Township, Durham County, North Carolina and more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED "EXHIBIT A".

WE HEREBY CERTIFY THIS TO BE A TRUE
COPY OF THE ORIGINAL
SEAY, HARVEY, TITCHENER AND HORNE

BY 

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

CURRIN BROS. INC.
(Corporate Name)
By: [Signature]
President

USE BLACK INK ONLY

(SEAL)
(SEAL)
(SEAL)
(SEAL)

ATTEST:
[Signature]
Secretary (Corporate Seal)

SEAL-STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this day of, 19.....

My commission expires: Notary Public

SEAL-STAMP

NORTH CAROLINA, Wake County.

I, a Notary Public of the County and State aforesaid, certify that C. Allen Currin personally came before me this day and acknowledged that he is Secretary of Currin Bros. Inc. a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by him as its Secretary. Witness my hand and official stamp or seal, this 5th day of January, 19 89.

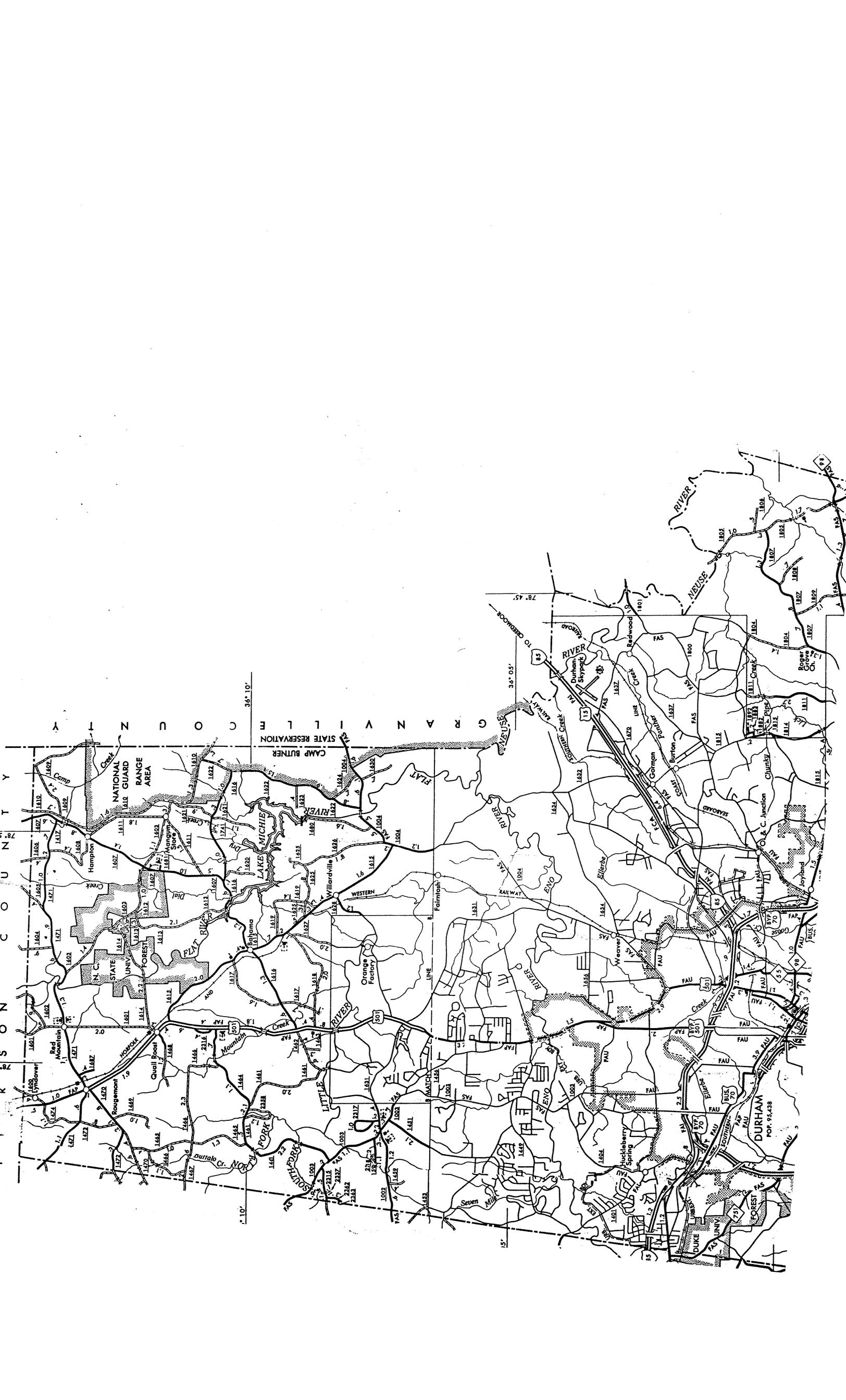
My commission expires: 3/9/89 Sharon E. Greid Notary Public

The foregoing Certificate(s) of

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.

REGISTER OF DEEDS FOR COUNTY

By Deputy/Assistant - Register of Deeds



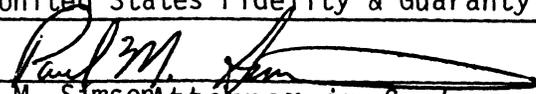
"EXHIBIT A"

BEGINNING at a point in the centerline of State Road 1900, Coley Road, in the northern line of property owned by Lyndall J. Fagg, (see Plat Book 106, Page 76); runs thence along northern line of Fagg, North 79 degrees 15 minutes 44 seconds West 31.36 feet to an iron pipe, in the western right-of-way of State Road 1900; thence continuing along the northern line of Fagg; North 79 degrees 15 minutes 44 seconds West 408.99 feet; runs thence North 07 degrees 07 minutes 07 seconds East 1611.89 feet to an iron pipe; runs thence South 82 degrees 23 minutes 52 seconds East, 670.09 feet to an iron pipe, a corner with J. A. Black; runs thence along J. A. Black's western line, South 36 degrees 36 minutes 08 seconds West, 387.00 feet to an iron pipe; runs thence along J. A. Black's southern boundary the following courses and distances; South 67 degrees 26 minutes 39 seconds East, 191.00 feet; South 16 degrees 50 minutes 44 seconds West, 131.00 feet; South 50 degrees 53 minutes 40 seconds East, 145.67 feet to an iron pipe in the eastern right of way of State Road 1900; continuing along the southern line of Fagg, South 50 degrees 53 minutes 40 seconds East, 31.33 feet to a point in the centerline of State Road 1900; runs thence along the centerline of State Road 1900, the following calls to point and place of BEGINNING: (A) South 22 degrees 20 minutes 38 seconds West, 92.60 feet; (B) South 25 degrees 11 minutes 53 seconds West, 100.31 feet; (C) South 26 degrees 31 minutes 05 seconds West, 103.98 feet; (D) South 26 degrees 33 minutes 47 seconds West, 431.42 feet; (E) South 26 degrees 17 minutes 43 seconds West, 251.77 feet; (F) South 26 degrees 17 minutes 43 seconds West, 1.55 feet; and (G) South 27 degrees 38 minutes 56 seconds West, 100.99 feet to the point and place of BEGINNING and containing 22.318 acres exclusive of right-of-way and .750 acres of right-of-way, according to survey and map by Kenneth Close, Inc., Land Surveyor, dated February 3, 1988, entitled "Property of Continental Land Sales, Inc., Carr Township, Durham County, North Carolina", the same being that property lying West of centerline of State Road 1900 (Coley Road) all as shown on Plat recorded in Plat Book 117, Page 198, Durham County Registry.

COUNTERSIGNED:

United States Fidelity & Guaranty Co.

By


Paul M. Simson Attorney-in-fact

N.C. Resident Agent
Stan Taylor Insurance Agency Inc.
P.O. Box 18106, Raleigh, N.C. 27619
Address