

LCI DN32-H Permit Midland  
Terrace

TELEPHONE  
383-1577

**EARL J. LATTA, Inc.**

*Grading Contractor*

Post Office Box 2508

Durham, North Carolina 27715-2508

NOVERMBER 30, 1994

STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT,  
HEALTH AND NATURAL RESOURCES  
DIVISION OF SOLID WASTE MANAGEMENT  
P.O. BOX 27687  
RALEIGH, N.C. 27611-7687  
ATT. MR. JIM BARBER

RECEIVED  
DEC 9 1994  
OFFICE OF THE COMPTROLLER

DEAR MR. BARBER,

ENCLOSED YOU WILL FIND THE CERTIFIED COPY OF THE LANDFILL  
PERMIT #32-H.

WE APPRECIATE YOU WORKING WITH US ON THIS PROJECT.

EARL J. LATTA, INC.



J. ONZLOW PAINTER  
SEC.

ENCL.

OFFICE OF THE COMPTROLLER  
DEC 9 1994

PERMIT # 32-H

Dated Issued: October 31, 1994

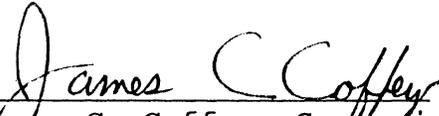
**SOLID WASTE PERMIT**

CAMDEN PROPERTIES, INCORPORATED

is hereby issued a permit to construct and operate a

**LAND CLEARING AND INERT DEBRIS LANDFILL**

located at the intersection of Midland Terrace Road and Camden Avenue in 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 in the Site and Operational Plan prepared by Duane K. Stewart & Associates, Inc.

  
James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

Prepared by: State of NC Dept.  
of Environment  
Mail to: Earl Latta, Inc.  
PO Box 2508  
Durham, NC 27715

BOOK 2036 PAGE 143

CERTIFIED COPY OF SOLID WASTE PERMIT

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

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

North Carolina

Wake 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 1<sup>st</sup> day of November, 1994.

Sue S Hodge  
Notary Public

My commission expires October 21, 1995.

State of North Carolina - Durham County

39321

The foregoing certificate (s) of \_\_\_\_\_

A Notary (Notaries) Public of designated Governmental Units is (are) certified to be correct.

This 9 day of Nov, 1994

Ruth C. Garrett  
Register of Deeds

By: Janeau Thompson  
Asst., Deputy Register of Deeds

FILED  
BOOK 2036 PAGE 143-144  
94 NOV 9 AM 11 50  
RUTH C. GARRETT  
REGISTER OF DEEDS  
DURHAM COUNTY, N.C.



State of North Carolina  
Department of Environment,  
Health and Natural Resources  
Division of Solid Waste Management



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

October 31, 1994

Mr. Earl Latta  
Camden Properties, Inc.  
P.O. Box 2508  
Durham, North Carolina 27715-2508

Subject: Land Clearing and Inert Debris Landfill  
Intersection of Midland Terrace Rd. and Camden Ave.  
Durham County, North Carolina  
Permit # 32-H

Dear Mr. Latta:

Enclosed please find a Solid Waste Permit, Conditions of the Solid Waste Permit, and a Certified Copy of the Solid Waste Permit for the above referenced Land Clearing & Inert Debris (LCID) landfill.

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. 9, which requires that we hold a pre-operative meeting. Please contact Robert Hearn, Environmental Technician, when you are ready to schedule a meeting. Robert Hearn can be reached in our Raleigh Regional Office at 919-571-4700. If you have questions about your permit, please contact me at (910) 486-1191.

Sincerely,

  
Jim Barber  
Eastern Area Engineer  
Solid Waste Section

cc: Jim Coffey  
Terry Dover  
Robert Hearn  
Jeff Lecky  
✓ Raleigh Central File: Permit # 32-H

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Permitting Branch  
Solid Waste Section

North Carolina

Wake County

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Witness my hand and seal, this the 1<sup>st</sup> day of November, 1994.

Sue S. Hodge  
Notary Public

My commission expires October 21, 1995.

PERMIT # 32-H

Dated Issued: October 31, 1994

**SOLID WASTE PERMIT**

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James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

PERMIT NUMBER: 32 - H  
PERMIT ISSUED: October 31, 1994  
FACILITY NAME: MIDLAND TERRACE  
LAND CLEARING & INERT DEBRIS LANDFILL

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 and operation 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.

PERMIT NUMBER: 32 - H  
PERMIT ISSUED: October 31, 1994  
FACILITY NAME: MIDLAND TERRACE  
LAND CLEARING & INERT DEBRIS LANDFILL

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).
8. This permit is not transferable.
9. The following requirements shall be met **prior** to receiving solid waste, at the site:
  - a. A site inspection and pre-operative meeting shall be conducted by a representative of the Solid Waste Section. Berms delineating the 100' and 50' buffers, for the property boundaries and wetland buffers, shall be constructed prior to waste placement.
  - 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).
10. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L.
11. An approved sedimentation and erosion control plan shall be obtained prior to the beginning of earth disturbing activities and all such activities shall be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4) along with any other state, federal or local requirements.



PERMIT # 32-H

# OPERATIONS MANUAL FOR LAND CLEARING AND INERT DEBRIS LANDFILL PERMIT

USING GUIDELINES LISTED IN THE  
SOLID WASTE MANAGEMENT RULES 15A NCAC 13B  
DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES  
DIVISION OF SOLID WASTE MANAGEMENT

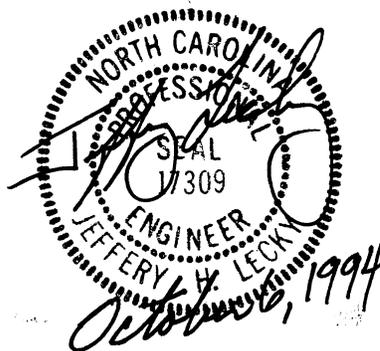
Project Name:

Midland Terrace Landfill  
Durham, North Carolina

RECEIVED  
OCT 11  
SOLID WASTE MANAGEMENT  
FAYETTEVILLE REGIONAL OFFICE

Applicant/Owner:

Camden Properties, Inc.  
PO Box 2508  
Durham, North Carolina 27715-2508  
Telephone Number (919) 383-1577



**DUANE K. STEWART & ASSOCIATES, Inc.**

Consulting Engineers

3325 Chapel Hill Boulevard, Suite 230 Durham, North Carolina 27707  
(919)490-2999 FAX (919)490-6165

October 6, 1994

**APPROVED**  
DIVISION OF SOLID WASTE MANAGEMENT  
DATE 10/31/94 BY [Signature]  
PERMIT # 32-H  
CENTRAL FILE

**DUANE K. STEWART & ASSOCIATES, Inc.**

**Consulting Engineers**

3325 Chapel Hill Boulevard, Suite 230 Durham, North Carolina 27707  
(919)490-2999 FAX (919)490-6165

**RE: Operations Manual for the Land Clearing and Inert Debris  
Landfill Permit**

**Location: Midland Terrace @ Custom Drive  
Durham, North Carolina**

**Owner/Applicant: Camden Properties, Inc.  
PO Box 2508  
Durham, North Carolina 27715-2508  
Telephone Number (919) 383-1577**

**ACCEPTABLE WASTE FOR THIS SITE**

*This site will accept material for disposal consistent with .0563 (3)(a) and definitions in .0101 of 15A NCAC 13B. This material is specified as follows:*

**From 15A NCAC 13B .0563**

- 1. a. "The facility to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash."*

**From 15A NCAC 13B .0101-DEFINITIONS**

*"Land clearing and inert debris landfill"*

*a facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.*

*"Yard trash"*

*solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs and similar vegetative material.*

*See attached copy for more definitions if needed.*

**SEQUENCE OF EVENTS**

- 1. Preconstruction conference with NCDEH&NR Solid Waste Management Section (1-910-486-1191). A preliminary meeting occurred in August at the site with the owners and NCDEH&NR to review the scope of the project. A follow-up meeting should be set up by the owner if deemed necessary by NCDEH&NR.*
- 2. Preconstruction conference with Durham County Erosion Control Officer (1-919-560-0735) to notify them of impending activity.*

3. *Install all protective devices;*
  - a. *Install berm on each side of front gate and inspect remainder of perimeter to ensure site is protected to prevent illegal access and dumping.*
  - b. *Install sign at front gate with name of operator and emergency telephone number for the fire department.*
  - c. *Follow erosion control measures and sequence (some devices are already installed but check status).*
4. *Filling operation to begin in area designated as phase I and proceed through phase III. The life of the landfill is dependant upon the amount of fill that becomes available, however it is estimated that the site will be near completion within five years.*
5. *Seed each phase area as it is completed.*
6. *Only spoil fill dirt (no waste) within 50 feet of the wetland and 100 feet of the property lines. Earth berms are to be installed at these locations to assist the operator in identifying the limits of the fill.*
7. *Owner is to contact NCDEH&NR if landfill operation is to be terminated because limit is reached or for other reasons.*

## SUBCHAPTER 13B - SOLID WASTE MANAGEMENT

## SECTION .0100 - GENERAL PROVISIONS

Rules .0101 - .0108 of Title 15A Subchapter 13B of the North Carolina Administrative Code (T15A.13B .0101 - .0108); have been transferred and recodified from Rules .0101 - .0108 of Title 10 Subchapter 10G of the North Carolina Administrative Code (T10.10G .0101 - .0108), effective April 4, 1990.

**.0101 DEFINITIONS**

The definitions in G.S. 130A-290 and the following definitions shall apply throughout this Subchapter:

- (1) "Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.
- (2) "Blood products" means all bulk blood and blood products.
- (3) "Cell" means compacted solid waste completely enveloped by a compacted cover material.
- (4) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwaters.
- (5) "Demolition landfill" means 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.
- (6) "Division" means the Director of the Division of Solid Waste Management or the Director's authorized representative.
- (7) "Explosive gas" means Methane (CH<sub>4</sub>).
- (8) "Federal act" means the Resource Conservation and Recovery Act of 1976, P.L. 94-580, as amended.
- (9) "Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, which are inundated by the 100-year flood.
- (10) "Garbage" means all putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- (11) "Hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
  - (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
  - (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (12) "Hazardous waste facility" means a facility for the storage, collection, processing, treatment, recycling, recovery or disposal of hazardous waste.
- (13) "Hazardous waste landfill facility" means any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules promulgated under this article.
- (14) "Incineration" means the process of burning solid, semi-solid or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.
- (15) "Leachate" means any liquid, including any suspended components in liquid, that has percolated through or drained from solid waste.
- (16) "Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases which will propagate a flame in air at 25°C and atmospheric pressure.
- (17) "Microbiological wastes" means and includes cultures and stocks of etiologic agents. The term includes cultures of specimens from medical, pathological, pharmaceutical, research, commercial, and industrial laboratories.
- (18) "One-hundred year flood" means a flood that has a 1 percent or less chance of recurring in any year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period.
- (19) "Open burning" means any fire wherein the products of combustion are emitted directly into the

- outdoor atmosphere and are not directed thereto through a stack or chimney, incinerator, or other similar devices.
- (20) "Open dump" means a solid waste disposal site that does not have a permit, or does not comply with the rules set forth in this Subchapter.
- (21) "Pathological wastes" means and includes human tissues, organs, body parts, secretions and excretions, blood and body fluids that are removed during surgery and autopsies; and the carcasses and body parts of all animals that were exposed to pathogens in research, were used in the production of biologicals or in the in vivo testing of pharmaceuticals, or that died of known or suspected infectious disease.
- (22) "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
- (23) "Putrescible" means solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses.
- (24) "Radioactive waste material" means any waste containing radioactive material as defined in G.S. 104E-5(14).
- (25) "Recycling" means the process by which recovered resources are transformed into new products in such a manner that the original products lose their identity.
- (26) "Refuse" means all non-putrescible waste.
- (27) "Regulated Medical Waste" means blood and body fluids in individual containers in volumes greater than 20 ml, microbiological waste, and pathological waste that have not been treated pursuant to Rule .1207 of this Subchapter.
- (28) "Respondent" means the person against whom an administrative penalty has been assessed.
- (29) "Resources recovery" means the process of obtaining material or energy resources from discarded solid waste which no longer has any useful life in its present form and preparing such solid waste for recycling.
- (30) "Runoff" means the portion of precipitation that drains from an area as surface flow.
- (31) "Sanitary landfill" means a facility for disposal of solid waste on land in a sanitary manner in accordance with Article 9 of Chapter 130A and this Subchapter.
- (32) "Sediment" means solid particulate matter both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
- (33) "Sharps" means and includes needles, syringes, and scalpel blades.
- (34) "Siltation" means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures and which has been transported from its point of origin within the site land-disturbing activity and which has been deposited, or is in suspension in water.
- (35) "Sludge" means any solid, semisolid or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect.
- (36) "Solid waste" means any hazardous or nonhazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:
- (a) Fowl and animal fecal waste; or
- (b) Solid or dissolved material in:
- (i) domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters;
- (ii) irrigation return flows; and
- (iii) wastewater discharges and the sludges incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission; except that any sludges that meet the criteria for

- hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580) as amended, shall also be a solid waste for the purposes of this Article; or
- (c) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes; except that any such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580) as amended, shall also be a solid waste for the purposes of this Article; or
  - (d) Any radioactive material as defined by the North Carolina Radiation Protection Act, G.S. 104E-1 through 104E-23; or
  - (e) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290); except that any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580) as amended, shall also be a solid waste for the purposes of this Article.
- (37) "Solid waste collector" means any person who collects or transports solid waste by whatever means, including but not limited to, highway, rail, and navigable waterway.
  - (38) "Solid waste disposal site", or "site" means any place at which solid wastes are disposed of by incineration, sanitary landfill, demolition landfill or any other acceptable method.
  - (39) "Solid waste generation" means the act or process of producing solid waste.
  - (40) "Solid waste generator" means any person who produces solid waste.
  - (41) "Solid waste management" means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.
  - (42) "Solid waste management facility" means land, personnel, and equipment used in the management of solid waste.
  - (43) "Spoiled food" means any food which has been removed from sale by the United States Department of Agriculture, North Carolina Department of Agriculture, Food and Drug Administration, or any other regulatory agency having jurisdiction in determining that food is unfit for consumption.
  - (44) "Steam sterilization" means treatment by steam at high temperatures for sufficient time to render infectious waste non-infectious.
  - (45) "Storage" means the containment of solid waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal.
  - (46) "Transfer facility" means a permanent structure with mechanical equipment used for the collection or compaction of solid waste prior to the transportation of solid waste for final disposal.
  - (47) "Treatment and processing facility" means a facility used in the treatment and processing of putrescible solid waste for final disposal or for utilization by reclaiming or recycling.
  - (48) "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of solid waste so as to render it non-hazardous.
  - (49) "Unit of local government" means a county, city, consolidated city-county, sanitary district, or other local political subdivision, authority or agency of local government.
  - (50) "Vector" means a carrier, usually an arthropod, that is capable of transmitting a pathogen from one organism to another.
  - (51) "Water supply watershed" means an area from which water drains to a point or impoundment, and the water is then used as a source for a public water supply.
  - (52) "Water table" means the upper limit of the portion of the ground wholly saturated with water.
  - (53) "Working face" means that portion of the land disposal site where solid wastes are discharged, spread, and compacted prior to the placement of cover material.
  - (54) "Agricultural Waste" means waste materials produced from the raising of plants and animals, including animal manures, bedding, plant stalks, hulls, and vegetable matter.
  - (55) "Backyard Composting" means the on-site composting of yard waste from residential property by the owner or tenant for non-commercial use.
  - (56) "Compost" means decomposed, humus-like organic matter, free from pathogens, offensive odors,

- toxins or materials harmful at the point of end use. Compost is suitable for use as a soil conditioner with varying nutrient values.
- (57) "Composting Pad" means a surface, whether soil or manufactured, where the process of composting takes place, and where raw and finished materials are stored.
- (58) "Compost Facility" means a solid waste facility which utilizes a controlled biological process of degrading non-hazardous solid waste. A facility may include materials processing and hauling equipment; structures to control drainage; and structures to collect and treat leachate; and storage areas for the incoming waste, the final products, and residual materials.
- (59) "Composting" means the controlled decomposition of organic waste by naturally occurring bacteria, yielding a stable, humus-like, pathogen-free final product resulting in volume reduction of 30 - 75 percent.
- (60) "Curing" means the final state of composting, after the majority of the readily metabolized material has been decomposed, in which the compost material stabilizes and dries.
- (61) "Pathogens" means organisms that are capable of producing infection or diseases, often found in waste materials.
- (62) "Silviculture Waste" means waste materials produced from the care and cultivation of forest trees, including bark and woodchips.
- (63) "Soil Group I" means soil group I as defined in 15A NCAC 13B .0807(a)(1)(A) of the Septage Management Rules.
- (64) "Windrow" means an elongated compost pile (typically eight feet wide by ten feet high).
- (65) "Yard Waste" means "Yard Trash" and "Land-clearing Debris" as defined in G.S. 130A-290, including stumps, limbs, leaves, grass, and untreated wood.
- (66) "Residues from Agricultural Products and Processing" means solids, semi-solids or liquid residues from food and beverage processing and handling; silviculture; agriculture; and aquaculture operations that are non-toxic, non-hazardous, and contain no domestic wastewater.
- (67) "Treatment and Processing Waste" means waste that is a residual solid from a wastewater treatment or pretreatment facility.
- (68) "Industrial Process Waste" means any solid, semi-solid, or liquid waste generated by a manufacturing or processing plant which is a result of the manufacturing or processing process. This definition does not include packaging materials associated with such activities.
- (69) "Mulch" means a protective covering of various substances, especially organic, to which no plant food has been added and for which no plant food is claimed. Mulch is generally placed around plants to prevent erosion, compaction, evaporation of moisture, freezing of roots, and weed growth.
- (70) "Soil Scientist" means an individual who is a Certified Professional Soil Scientist or Soil Specialist by American Registry of Certified Professional in Agronomy, Crops, and Soils (ARCPACS) or an individual that demonstrates equivalent experience or education.
- (71) "Foreign Matter" means metals, glass, plastics, rubber, bones, and leather, but does not include sand, grit, rocks or other similar materials.
- (72) "Land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.
- (73) "Land clearing and inert debris landfill" means a facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.
- (74) "Yard trash" means solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material.
- (75) "Erosion control measure, structure, or device" means physical devices constructed, and management practices utilized, to control sedimentation and soil erosion such as silt fences, sediment basins, check dams, channels, swales, energy dissipation pads, seeding, mulching and other similar items.

*History Note: Statutory Authority G.S. 130A-294;*

*Eff. April 1, 1982;*

*Amended Eff. January 4, 1993; December 1, 1991; February 1, 1991; September 1, 1990.*



**RECEIVED**  
OCT 11 1994  
SOLID WASTE MANAGEMENT  
FAYETTEVILLE REGIONAL OFFICE

**SITING CRITERIA  
FOR  
LAND CLEARING AND INERT DEBRIS  
LANDFILL PERMIT**

USING GUIDELINES LISTED IN THE  
SOLID WASTE MANAGEMENT RULES 15A NCAC 13B  
DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES  
DIVISION OF SOLID WASTE MANAGEMENT

*Project Name:*

*Midland Terrace Landfill  
Durham, North Carolina*

*Applicant/Owner:*

*Camden Properties, Inc.  
PO Box 2508  
Durham, North Carolina 27715-2508  
Telephone Number (919) 383-1577*



**DUANE K. STEWART & ASSOCIATES, Inc.**

**Consulting Engineers**

3325 Chapel Hill Boulevard, Suite 230 Durham, North Carolina 27707  
(919)490-2999 FAX (919)490-6165

Revised October 6, 1994

**APPROVED**

DIVISION OF SOLID WASTE MANAGEMENT

DATE 10/31/94 BY [Signature]

PERMIT # 32-H

CENTRAL FILE

**DUANE K. STEWART & ASSOCIATES, Inc.**

**Consulting Engineers**

3325 Chapel Hill Boulevard, Suite 230 Durham, North Carolina 27707  
(919)490-2999 FAX (919)490-6165

**RE: Land Clearing and Inert Debris Landfill Permit Request  
Revised October 6, 1994**

**Location: Midland Terrace @ Custom Drive  
Durham, North Carolina**

**Owner/Applicant: Camden Properties, Inc.  
PO Box 2508  
Durham, North Carolina 27715-2508  
Telephone Number (919) 383-1577**

**SCOPE OF REPORT**

*The firm of Duane K. Stewart & Associates is submitting on behalf of Camden Properties a request for a Land Clearing and Inert Debris Landfill (LCID) Permit.*

*The site is located on Midland Terrace at the north east corner of the intersection with Custom Avenue in Durham County. The access will be from Custom Drive. The property is about 26.7 acres with only about 13 acres intended for use with the LCID permit.*

*A preliminary site visit was done with Mr. Mark Fry of Solid Waste Management on July 27, 1993. At this visit Mr. Fry recommended that a gate be installed to prevent trash from being dumped onto the site. Bollards and a wire cable were immediately installed.*

*This report is written in accordance with the guidelines written in the North Carolina Department of Environment, Health, and Natural Resources Division of Solid Waste Management Rules 15A NCAC 13B as amended through January 4, 1993.*

**SITING CRITERIA FOR LCID PERMIT ACCORDING TO RULE .0564 OF 15A NCAC 13B**

*In responding to each of the items listed in this section, several references will be made to the 'plans'. The 'plans' referred to are the plans prepared by Duane K. Stewart & Associates titled Camden Properties, Inc., Proposed Demolition Landfill dated August 10, 1993.*

- 1. The facility or practices are not located within the 100 year flood as noted on the plans.*
- 2. No endangered species have been recorded within the vicinity of the project site (see letter from Stephen P. Hall, Environmental Review Specialist, NC Natural Heritage Program dated August 12, 1994-ADDENDUM A).*
- 3. Since it does not appear that there are any endangered species, facilities will not have adverse effect on endangered species habitats (see item #2 above).*
- 4. No historical or archaeological sites have been recorded within the vicinity of the project site (see letter from David Brook, Deputy State Historic Preservation Officer dated July 27, 1994-ADDENDUM B).*

**SITING CRITERIA FOR LCID PERMIT ACCORDING TO RULE .0564 OF 15A NCAC 13B**  
**(continued)**

5. *Since there are not any parks or scenic areas near the facility, the practices will not affect any. It should be noted that the owner has agreed to donate a 100 foot greenway to the Durham Parks and Recreation along Ellerbe Creek across the entire property. This is being donated with the understanding that there will be an inert debris landfill under operation on this site.*
6. *The facilities are not located in any wetlands (see letter from G. Wayne Wright, Chief, Regulatory Branch, Corps of Engineers dated July 28, 1994-ADDENDUM C). The property has wetlands noted on the plans, however all activities will not encroach upon these wetlands.*
7. *Suitable soils will be used for cover over the final elevation (as noted in a detail on page 3 of the plans). The suitable material will be stockpiled from onsite locations or separated as fill is brought to the facility until it is needed.*
8.
  - a. *The facility will not discharge pollutants into waters of the state as noted under the Clean Water Act as amended.*
  - b. *The facility will not discharge dredge material 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 will not cause a non-point source pollution of waters of the state that violates assigned water quality standards.*
  - d. *The facility will operate fill above the 4 foot depth to ground water. A total of five test pits were dug at the site on June 14th, 1994 and inspected 24 hours later on June 15th. No ground water was recorded in any of the pits (a continuous rain occurred from June 10th through the 11th). The pits have been located on sheet 2 of the plans for reference with the depth noted beside each hole. All of the holes except one were dug in excess of 4 feet deep to ensure adequate coverage. The only hole that was dug less than 4 feet (hole #1) encountered sandstone and the backhoe was unable to penetrate it. Note that this hole (#1) is located in an area that will not have any 'demolition material'. Selected fill will be placed in this area and therefore should not pose any threat to possible groundwater.*
  - e. *This requirement does not apply since the site is above 2 acres.*
9.
  - a. *The site is beyond the 50 feet buffer required to surface waters (Ellerbe Creek).*
  - b. *The closest building to the disposal area is located across Custom Drive which is over 100 feet from the disposal area. Not aware of any wells in the area and City water lines are in the area that supply existing buildings.*
10. *The facility meets all requirements from applicable zoning ordinances as indicated on the set of plans with the City of Durham Development Review Board stamp of approval (see letter from William G. Roberts, Principal Planner, Design Review, Durham City/County Planning Department dated July 15, 1994-ADDENDUM D).*



**DUANE K. STEWART & ASSOCIATES, Inc.****Consulting Engineers**

3325 Chapel Hill Boulevard, Suite 230 • Durham, North Carolina 27707  
(919)490-2999 • FAX (919)490-6165

**FACSIMILE TRANSMISSION**

2 TOTAL PAGES INCLUDING COVER SHEET

**DATE:** August 2, 1994

**RE:** Midland Terrace Site  
LCID Permit  
Durham, NC

**FROM:** Jeff Lecky

**TO:** Inge Smith (733-7795)  
Natural Heritage Program  
Parks & Recreation  
PO Box 27687  
Raleigh, NC 27611

**FAX NUMBER:** 715-3085

**COMMENTS:**

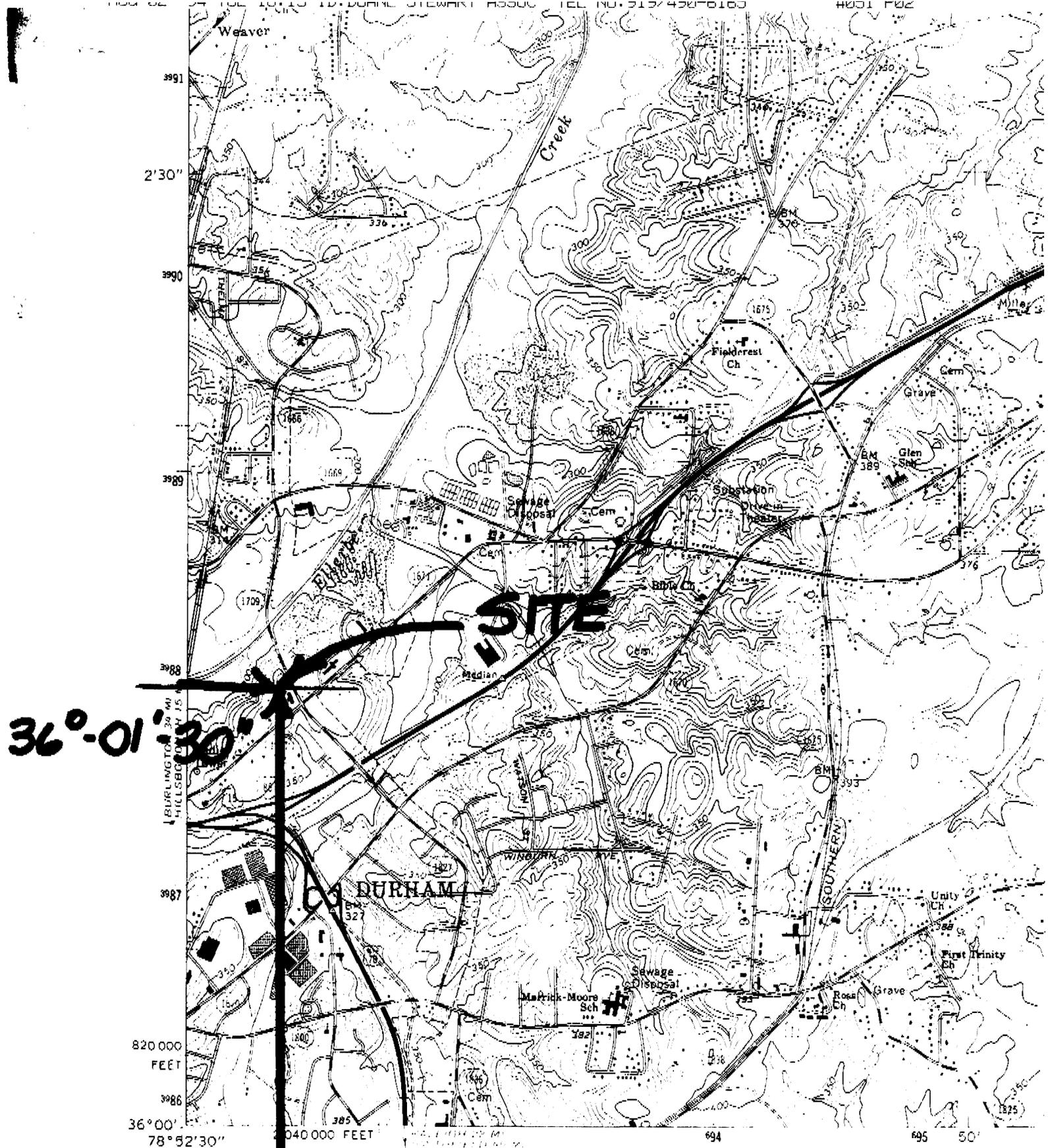
Attached is a map (USGS, Northeast Durham) locating a proposed Land Clearing and Inert Debris (LCID) site with approximate coordinates 36-01-30 latitude and 78-00-30 longitude. It is our understanding with Mr. Owen Anderson (528-9886) of Fish and Wildlife and Mr. Cecil Frost (733-3610) of NCNDEA that you office will be able to determine if there are any endangered plant or animal life in this area.

The site (about 10 acres) will be used as a landfill for material consistent with the LCID guidelines (fill dirt, tree stumps, concrete...etc). Once the site is completed, the site will be seeded and stabilized. Future use of the site has not been determined at this time. Our contact for the LCID permit application is;

Mr. Jim Barber (910-486-1191)  
Solid Waste Section  
Fayetteville Regional Office, NCDEH&NR

As a part of the permit application we need you to review the plans to ensure it will not have any impact on endangered plant or animal life. Do not hesitate to contact our office should you have any questions or comments.

**cc:** Jim Barber, Fayetteville Regional Office  
Earl Latta, Camden Properties

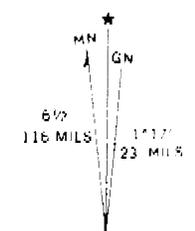


36°-01'-30"

15°11' THWEST DURHAM  
52°55' 14" NW

Mapped, edited, and published by the Geological Survey  
Control by USGS, NOAA, USCE, and North Carolina Geodetic Survey  
Topography by photogrammetric methods from aerial photographs  
taken 1972. Field checks 1973

Projection and 10,000-foot grid ticks: North Carolina coordinate system  
(Lambert conformal conic). 1000-meter Universal Transverse Mercator  
grid ticks: zone 17, shown in blue. 1927 North American Datum  
To place on the predicted North American Datum 1983 move the  
projection lines 11 meters south and 23 meters west as shown  
by dashed corner ticks



UTM GRID AND 1983 MAGNETIC NORTH

State of North Carolina  
Department of Environment,  
Health and Natural Resources  
Division of Parks & Recreation

James B. Hunt, Jr., Governor  
Jonathan B. Howes, Secretary  
Dr. Philip K. McKnelly, Director



August 12, 1994

Jeff Lecky  
Duane K. Stewart & Associates, Inc.  
3325 Chapel Hill Boulevard, Suite 230  
Durham NC 27707

**Subject: Land Clearing and Inert Debris Landfill, Durham County;  
Potential Impacts on State Parks, Natural and Scenic  
Rivers, and Endangered and Threatened Species**

According to the Natural Heritage Program database, no federal or state-listed species of plants or animals have been recorded within the vicinity of the project site, nor are there any significant natural areas located nearby. The Falls Lake State Recreation Area is located below the confluence of Ellerbe Creek and the Eno River. Although the project is unlikely to have any significant impact on this parkland, we recommend that all best management practices be followed for the control of surface runoff from the project site.

Thank you for allowing us the opportunity to comment on this project. If we can be of any further help, please feel free to call us.

Sincerely,

Stephen P. Hall, Environmental Review Specialist  
North Carolina Natural Heritage Program



North Carolina Department of Cultural Resources

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

Division of Archives and History  
William S. Price, Jr., Director

July 27, 1994

Jeff Lecky  
Duane K. Stewart & Associates, Inc.  
Consulting Engineers  
3325 Chapel Hill Boulevard, Suite 230  
Durham, NC 27707

Re: Midland Terrace LCID Landfill,  
Durham County, ER 95-7072

Dear Mr. Lecky:

Thank you for your letter of July 7, 1994, concerning the above project.

We have conducted a review of the project and are aware of no properties of architectural, historic, or archaeological significance which would be affected by the project. Therefore, we have no comment on the project as currently proposed.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966 and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106, codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

A handwritten signature in cursive script that reads "David Brook" followed by a stylized flourish.

David Brook  
Deputy State Historic Preservation Officer

DB:slw



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

IN REPLY REFER TO

July 28, 1994

Regulatory Branch

Action ID. 199303242

Camden Properties, Inc.  
 P.O. Box 2508  
 Durham, North Carolina 27715-2508

Dear Sirs:

Reference our letter dated July 22, 1993 to O.M. Lane Construction Company, confirming the delineation of wetlands on your 26.72 acre tract on the south side and below headwaters of Ellerbe Creek, west of Midland Terrace, in Durham, Durham County, North Carolina. Reference also the May 31, 1994 submittal from Duane K. Stewart & Associates forwarding a drawing of the proposed demolition landfill for the site, which indicates that the proposed work would not impact the jurisdictional areas on the site.

Therefore no Department of the Army permits will be required to undertake the proposed filling activity. Questions or comments may be addressed to Mr. Eric Alsmeyer of my Raleigh Field Office regulatory staff, telephone (919) 876-8441, extension 23.

Sincerely,

G. Wayne Wright  
 Chief, Regulatory Branch

Copies Furnished:

✓ Mr. Jeff Lecky  
 Duane K. Stewart & Associates  
 3325 Chapel Hill Road, Suite 230  
 Durham, North Carolina 27707

Mr. John Dorney  
 Water Quality Section  
 Div. of Environmental Management North  
 Carolina Department of  
 Environment, Health and  
 Natural Resources  
 Post Office Box 27687  
 Raleigh, NC 27611-7687

**Durham  
City  
County  
Planning  
Department**

**ADDENDUM D-1**



101 City Hall Plaza  
Durham, NC 27701  
(919) 560-4137  
Fax 560-4641

July 15, 1994

Mr. Jeff Lecky  
Duane Stewart and Associates  
3325 Chapel Hill Blvd., Suite 230  
Durham, N.C. 27707

**SUBJECT: Demolition Landfill: Camden Properties -  
Approved Site Plan**

Dear Mr. Lecky:

This is to confirm that a site plan for the subject property, located at northwest intersection of Midland Terrace and Custom Drive (T.M. 346-01-009A), was approved by the City of Durham on October 22, 1993. According to the provisions of the Zoning Ordinance, site plans have a two-year validity, i.e. applicants have a two-year period after site plan approval in which to begin construction. Therefore, the existing site plan will remain valid through October 22, 1995.

According to Section 5.5A.14.5. of the Zoning Ordinance, under City of Durham Watershed Protection District regulations, projects which have approved and continuously valid site plans, and for which substantial expenditure of resources has been made, are exempt from subsequently adopted watershed regulations and may be constructed in accordance with those approved plans. (A copy of this portion of the zoning ordinance is enclosed.)

Additionally, Section 19.2 of the Zoning Ordinance, Grandfathered Uses, Structures, and Plans, provides that grandfathered uses, structures and plans may continue as long as they remain otherwise lawful. (A copy of this portion of the ordinance is also enclosed.)

Please advise if you have questions or need additional information.

Sincerely,

*William G. Roberts, Jr.*

William G. Roberts, Jr.  
Principal Planner, Design Review

Enc.

any cluster development require site plan approval by the appropriate governing body. Site plans for such uses shall conform to the site plan requirements of Section 17 Site Plans. Minor amendments to approved site plans for development in Watershed Districts may be approved by the Development Review Board.

Any commercial, office, industrial and research development in F/J-A districts require Major Special Use Permit approval by the governing body. Prior to granting the Major Special Use Permit, the governing board shall find that the applicant has demonstrated conclusively that he or she shall comply with all applicable provisions of Section 5.5A.5.2 Non-Residential Performance Standards.

**5.5A.13 Urban Growth Area Extensions.**

The City or County shall not extend the Urban Growth Area boundary further into M/L-A or F/J-A districts.

**5.5A.14 Application of the Regulations.**

After June 30, 1993, all development within Watershed Districts shall be subject to the restrictions in this Section 5.5A Watershed Protection Districts, with the following exceptions.

**1. Existing Development**

For the purposes of this Section, existing development shall be considered to be any impervious surfaces constructed before July 1, 1993. Existing development shall be exempt from the requirements of this Section 5.5A Watershed Protection Districts. However, such development shall comply with the watershed protection regulations, if any, in effect at the time a building permit was issued for the development.

Expansions of any existing development and redevelopment shall be subject to the requirements of the Section 5.5A Watershed Protection Districts if such expansion or rebuilding activity result in a net increase in the impervious surfaces of the development.

**2. Existing Single-Family Lots**

New construction and additions to existing residential buildings on single-family residential lots created prior to July 1, 1993 shall be exempt from the stream buffer, minimum lot size and impervious surface provisions of this ordinance. New construction and additions on such lots shall be constructed in accordance with the watershed protection regulations, if any, in effect at the time the lot was created. However, single owners of multiple adjacent lots that do not comply with the minimum lot size indicated in 5.5A.5.4 Minimum Lot Size shall

This symbol ■ seen anywhere in this document indicates subject to requirements of Section 7.

**SECTION 19 NONCONFORMING LOTS, USES AND BUILDINGS****19.1 PURPOSE**

Zoning regulations established by the adoption of this ordinance or amendments to this ordinance may cause properties and uses which were lawful prior to the adoption of certain regulation to not meet requirements after adoption of the regulations. The purpose of this Section is to establish procedures and regulations for the use of those properties or structures which are in conflict with the requirements of this ordinance. It is not the intent of this Section to encourage the continuance of nonconformities which are out of character with the standards of the zoning district. It is the intent of this Section, however, to allow certain nonconforming situations to continue as legal exceptions to this ordinance.

**19.2 GRANDFATHERED USES, STRUCTURES, AND PLANS**

1. Any use, building, development plan, or site plan which was lawfully existing prior to the effective date of this ordinance (January 1, 1994), and not considered a nonconformity prior to the effective date of this ordinance, may continue or be reconstructed as a conforming use from the original adoption of the merged Durham Zoning Ordinance, even though the use, lot, or, building may not conform with the provisions of this ordinance for the district in which it is located. Grandfathered uses, structures and plans may continue as long as they remain otherwise lawful. Structures may be enlarged using standard procedures found in this ordinance, provided that the enlargement shall be in conformance with the dimensional and parking requirements of this ordinance which are in effect at the time of the enlargement.

The Grandfathering provisions of this Section do not apply to:

- a. Uses and buildings which were in violation of the zoning requirement existing at the time of the effective date of this ordinance. These uses will be considered continuing violations, they may not be replaced and must be corrected to meet current ordinance standards.
- b. Nonconforming signs are required to meet all the requirements of the Sign Section of this ordinance.

If a grandfathered use is changed to a use which conforms to the provisions of this ordinance, it may not be changed back to a grandfathered use. If a grandfathered use is abandoned, it may not be reestablished.

This symbol ■ seen anywhere in this document indicates subject to requirements of Section 7.

**DUANE K. STEWART & ASSOCIATES, Inc.**

**Consulting Engineers**

3325 Chapel Hill Boulevard, Suite 230 Durham, North Carolina 27707  
(919)490-2999 FAX (919)490-6165

June 17, 1994

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

RECEIVED

JUN 28 1994

SOLID WASTE MANAGEMENT  
FAYETTEVILLE REGIONAL OFFICE

RE: Midland Terrace Land Clearing and Inert Debris Landfill Permit  
Camden Properties  
Durham, NC

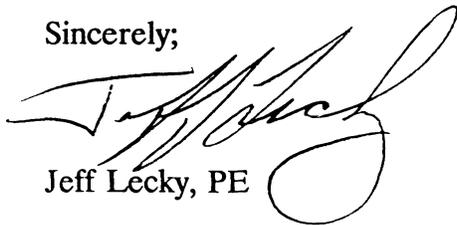
Dear Mr. Barber:

In reference to our telephone conversation last week we are forwarding onto your office the following information to apply for a Land Clearing and Inert Debris Landfill Permit (LCID):

- \* *Applicant/Owner: Camden Properties, Inc.*  
*PO Box 2508*  
*Durham, NC 27715-2508*  
*Telephone Number (919) 383-1577*
- \* 5 sets of plans (3 sheets per set)
- \* 1 copy of plans stamped approved by the Durham City/County Planning Department
- \* 1 copy of county road map with the site located for reference
- \* 1 copy of written report indicating that the facility shall comply with all the requirements under Rule .0564 of the LCID manual.
- \* 1 copy of deed
- \* 1 copy of Land Disturbing Permit issued by Durham County

We had a site meeting with Mr. Mark Fry of your office on July 27, 1993 to review the site. Do not hesitate to contact us if you have any questions or if you need additional information.

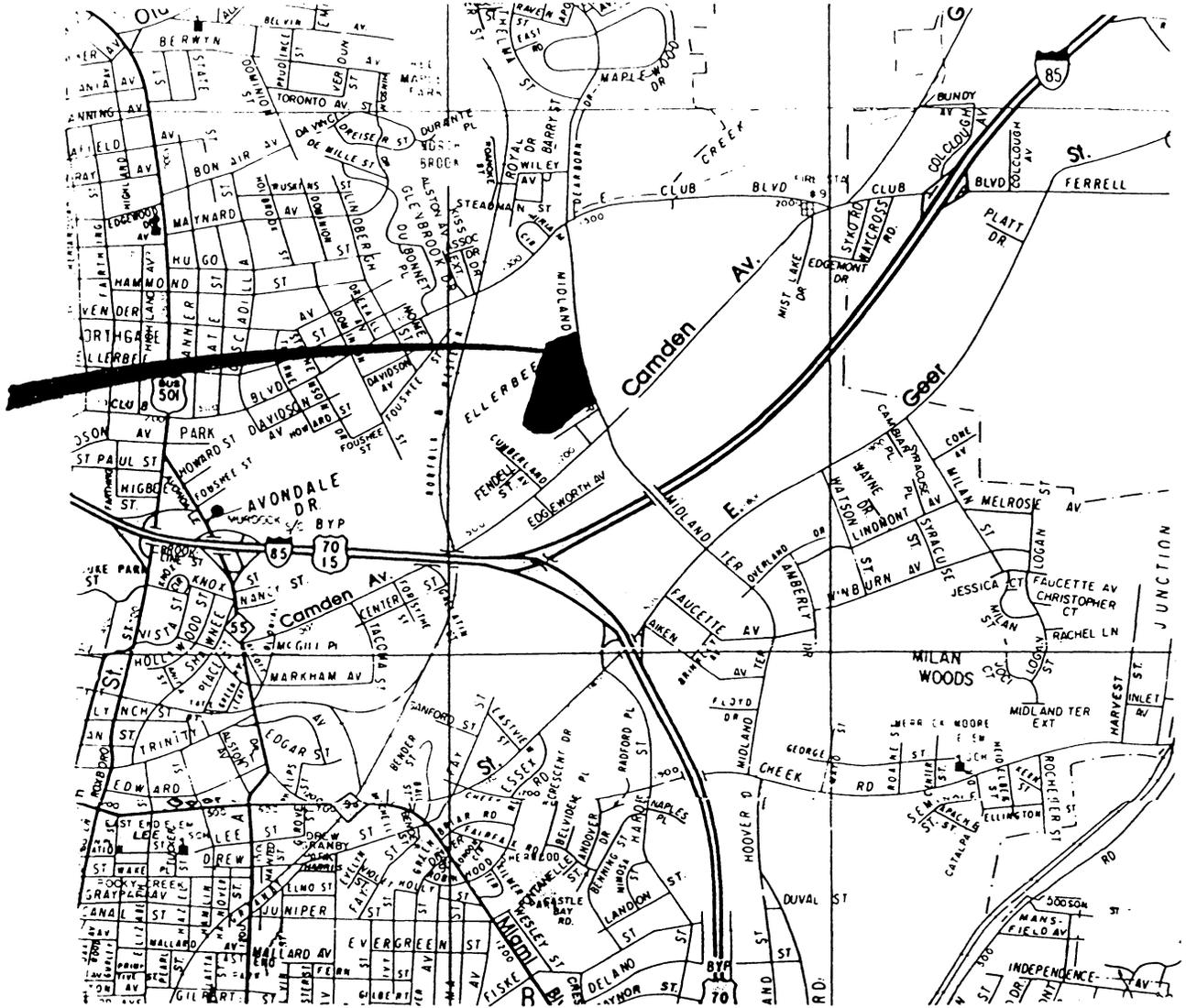
Sincerely;



Jeff Lecky, PE

cc: Earl Latta w/complete set

SITE



## VICINITY MAP

DURHAM, NC

**CAMDEN PROPERTIES, INC.**

MIDLAND TERRACE



*Duane K. Stewart  
& Associates, Inc.*

CONSULTING ENGINEERS  
3325 Chapel Hill Boulevard, Suite 230 • Durham, North Carolina 27707 • (919)490-2999 FAX(919)490-6165

**SITING CRITERIA  
FOR  
LAND CLEARING AND INERT DEBRIS  
LANDFILL PERMIT**

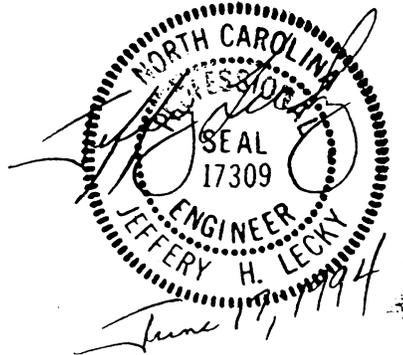
**USING GUIDELINES LISTED IN THE  
SOLID WASTE MANAGEMENT RULES 15A NCAC 13B  
DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES  
DIVISION OF SOLID WASTE MANAGEMENT**

*Project Name:*

*Midland Terrace Landfill  
Durham, North Carolina*

*Applicant/Owner:*

*Camden Properties, Inc.  
PO Box 2508  
Durham, North Carolina 27715-2508  
Telephone Number (919) 383-1577*



**DUANE K. STEWART & ASSOCIATES, Inc.**

**Consulting Engineers**

3325 Chapel Hill Boulevard, Suite 230 Durham, North Carolina 27707  
(919)490-2999 FAX (919)490-6165

**DUANE K. STEWART & ASSOCIATES, Inc.**

Consulting Engineers

3325 Chapel Hill Boulevard, Suite 230 Durham, North Carolina 27707  
(919)490-2100 FAX (919)490-6165

**RE: Land Clearing and Inert Debris Landfill Permit Request**

**Location: Midland Terrace @ Custom Drive  
Durham, North Carolina**

**Owner/Applicant: Camden Properties, Inc.  
PO Box 2508  
Durham, North Carolina 27715-2508  
Telephone Number (919) 383-1577**

**SCOPE OF REPORT**

*The firm of Duane K. Stewart & Associates is submitting on behalf of Camden Properties a request for a Land Clearing and Inert Debris Landfill (LCID) Permit.*

*The site is located on Midland Terrace at the north east corner of the intersection with Custom Avenue in Durham County. The access will be from Custom Drive. The property is about 26.7 acres with only about 13 acres intended for use with the LCID permit.*

*A preliminary site visit was done with Mr. Mark Fry of Solid Waste Management on July 27, 1993. At this visit Mr. Fry recommended that a gate be installed to prevent trash from being dumped onto the site. Bollards and a wire cable were immediately installed.*

*This report is written in accordance with the guidelines written in the North Carolina Department of Environment, Health, and Natural Resources Division of Solid Waste Management Rules 15A NCAC 13B as amended through January 4, 1993.*

**SITING CRITERIA FOR LCID PERMIT ACCORDING TO RULE 1564 OF 15A NCAC 13B**

*In responding to each of the items listed in this section, several references will be made to the 'plans'. The 'plans' referred to are the plans prepared by Duane K. Stewart & Associates titled Camden Properties, Inc., Proposed Demolition Landfill dated August 10, 1993.*

1. *The facility or practices are not located within the 100 year flood as noted on the plans.*
2. *Not aware of any endangered species. If any are discovered, the proper authorities will be notified.*
3. *Since it does not appear that there are any endangered species, facilities will not have adverse effect on endangered species habitats.*
4. *Not aware of any historical or archaeological sites. If any are discovered, the proper authorities will be notified.*

SITING CRITERIA FOR LCID PERMIT ACCORDING TO RULE .0564 OF 15A NCAC 13B  
(continued)

5. *Since there are not any parks or scenic areas near the facility, the practices will not affect any. It should be noted that the owner has agreed to donate a 100 foot greenway to the Durham Parks and Recreation along Ellerbe Creek across the entire property. This is being donated with the understanding that there will be an inert debris landfill under operation on this site.*
6. *The facilities are not located in any wetlands. The property has wetlands noted on the plans, however all activities will not encroach upon these wetlands.*
7. *Suitable soils will be used for cover over the final elevation (as noted in a detail on page 3 of the plans). The suitable material will be stockpiled from onsite locations or separated as fill is brought to the facility until it is needed.*
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  - e. *This requirement does not apply since the site is above 2 acres.*
9.
  - a. *The site is beyond the 50 feet buffer required to surface waters (Ellerbe Creek).*
  - b. *The closest building to the disposal area is located across Custon Drive which is over 100 feet from the disposal area. Not aware of any wells in the area and City water lines are in the area that supply existing buildings.*
10. *The facility meets all requirements from applicable zoning ordinances as indicated on the set of plans with the City of Durham Development Review Board stamp of approval.*

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-1319 DATED 8/7/90

HAS BEEN ISSUED TO

PROJECT Camden Properties

DEVELOPER Camden Properties, Inc.

As required by the

Durham County and City Sedimentation and Erosion Control Ordinance

for a land disturbing activity not to exceed 217,691 SF/acre

Located in Durham City Township

On Midland Terrace Road or Street

MAP. NO. 346 BLOCK NO. 1 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: [Signature] SEDIMENTATION AND EROSION CONTROL OFFICER

PHONE: 560-0735

1248-07

# LAND DISTURBING PERMIT

## DURHAM CITY AND COUNTY

L 1319 August 7, 19 90

PERMIT IS HEREBY GRANTED TO Camden Properties, Inc.  
(THE FINANCIALLY RESPONSIBLE PARTY, WHO / WHICH IS THE PERSON, FIRM OR ENTITY LISTED ON THE FINANCIAL RESPONSIBILITY / OWNERSHIP FORM) TO PERFORM A LAND DISTURBING ACTIVITY NOT TO EXCEED 217,691 SQ. FT. AT Camden Properties, Inc. / Midland Terrace MAP NO. 346 BLOCK NO. 1 PARCEL 9. THIS PARCEL OF LAND IS OWNED BY Camden Properties, Inc. / J. Onslow Painter

Commencement of the land-disturbing activity constitutes acceptance of the terms herein. You are required to report the date of commencement of land disturbing activity to this office.

### RECEIPT ONLY

THE PERSON, FIRM OR ENTITY PAYING FOR THIS PERMIT OBTAINS NO RIGHT TO RECEIVE NOTICES OF VIOLATIONS OR ANY RIGHT TO APPEAL ANY DECISION MADE BY THE S&E OFFICE, UNLESS HE / SHE / IT IS LISTED AS THE FINANCIALLY RESPONSIBLE PARTY.

FEE OF \$ 350.00 RECEIVED FROM Earl J. Latta, Inc.  
CASH (CHECK) MONEY ORDER # 10663 UNIT Everant State 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. Kagan  
SEDIMENTATION AND EROSION CONTROL OFFICE



BOOK 1590 PAGE 140

FILED  
BOOK 1590 PAGE 140-142

'90 MAY 1 PM 3 27

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



Excise Tax \$320.00

Recording Time, Book and Page

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

Mail after recording to Camden Properties, Inc., P. O. Box 2508, Durham, N.C. 27715-2508

This instrument was prepared by Irvin P. Breedlove, Jr., Attorney

Brief description for the Index

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 29<sup>th</sup> day of April, 1990, by and between

**GRANTOR**

THOMAS LEE FOGLEMAN and wife,  
MARGARET B. FOGLEMAN;  
DOROTHY F. PARRISH and husband,  
GEORGE E. PARRISH;  
JOANN FILYAW MILLER and husband,  
LEROY B. MILLER, III;  
EUGENE PARKER FILYAW and wife,  
SHELBY C. FILYAW and  
PAUL ALTON FILYAW and wife,  
GLENDA B. FILYAW

**GRANTEE**

CAMDEN PROPERTIES, INC.  
P. O. Box 2508  
Durham, NC 27715-2508

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 ..... Township, Durham County, North Carolina and more particularly described as follows:

Being all of Lot 1 containing 0.901 acres and all of Lot 2 containing 27.9241 acres as per plat and survey of Ernest A. Tilley, Land Surveying, entitled "Property of Camden Properties, Inc.", dated April 23, 1990 as recorded in the Office of the Register of Deeds of Durham County in Plat Book 183 at Page 12 of the Durham County Registry, to which plat reference is hereby made for a more particular description of same.

The Grantors in this Deed are the heirs of Paul T. Fogleman (80-E-781).

08030

1000



NORTH CAROLINA, Durham County.

I, a Notary Public of the County and State aforesaid, certify that Thomas Lee Fogleman and wife, Margaret B. Fogleman Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29<sup>th</sup> day of April, 1990.

My commission expires: 3-1-94 Laura M. Donnelly Notary Public



NORTH CAROLINA, Durham County.

I, a Notary Public of the County and State aforesaid, certify that Dorothy F. Parrish and husband, George E. Parrish Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29<sup>th</sup> day of April, 1990.

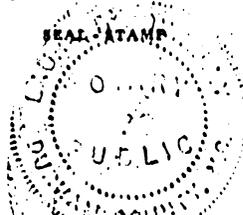
My commission expires: 3-1-94 Laura M. Donnelly Notary Public



NORTH CAROLINA, Durham County.

I, a Notary Public of the County and State aforesaid, certify that Joann Filyaw Miller and husband, Leroy B. Miller, III Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29<sup>th</sup> day of April, 1990.

My commission expires: 3-1-94 Laura M. Donnelly Notary Public



NORTH CAROLINA, Durham County.

I, a Notary Public of the County and State aforesaid, certify that Eugene Parker Filyaw and wife, Shelby C. Filyaw Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29<sup>th</sup> day of April, 1990.

My commission expires: 3-1-94 Laura M. Donnelly Notary Public



Seal-Stamp NORTH CAROLINA, Durham COUNTY

I, a Notary Public of the County and State aforesaid, certify that Paul Alton Filyaw and wife, Glenda B. Filyaw personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 29<sup>th</sup> day of April, 1990.

My Commission Expires: 3-1-94 Laura M. Donnelly Notary Public



NORTH CAROLINA, \_\_\_\_\_ County.

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ he is \_\_\_\_\_ Secretary of \_\_\_\_\_ 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 \_\_\_\_\_ as its \_\_\_\_\_ Secretary. Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires: \_\_\_\_\_ Notary Public

Durham Conc

The foregoing Certificate(s) of Laura J. Donnelly, A n-p of Durham Co NC

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.

RUTH C. GARRETT REGISTER OF DEEDS FOR Durham COUNTY

By Janeleen Atkins 5-1-90 Deputy/Assistant-Register of Deeds.





sources" for "Natural Resources and Community Development" in the fifth and last sentences.

**Legal Periodicals.** — For comment on this article, see 29 N.C.L. Rev. 365.

For article, "Introduction to Water Use Law in North Carolina," see 46 N.C.L. Rev. 1 (1967).

For note on coastal land use development and area-wide zoning, see 49 N.C.L. Rev. 866 (1971).

For note on estuarine pollution, see 49 N.C.L. Rev. 921 (1971).

#### CASE NOTES

**General Assembly's omission of citizen suit provision only bears on citizen enforcement of state regulatory scheme** rather than demonstrating any legislative intent to preempt private rights of action at common law. *Biddix v. Henredon Furn. Indus., Inc.*, 76 N.C. App. 30, 331 S.E.2d 717 (1985).

**General Assembly Did Not Intend to Act with Respect to Common Law Rights.** — Notwithstanding the General Assembly's omission of specific statutory language reserving common law rights, by enacting legislation to seek state administration of the Federal Water Pollution Control Act the General Assembly did not intend to act with respect to common law riparian rights for waste discharges in excess of a National Pollutant Discharge Elimination System permit. *Biddix v. Henredon Furn. Indus.,*

*Inc.*, 76 N.C. App. 30, 331 S.E.2d 717 (1985).

**Common Law Actions of Nuisance and Continuing Trespass Not Preempted.** — The Clean Water Act does not preempt the common law actions of nuisance and continuing trespass to land for the discharge of industrial waste in violation of an applicable National Pollutant Discharge Elimination System permit. *Biddix v. Henredon Furn. Indus., Inc.*, 76 N.C. App. 30, 331 S.E.2d 717 (1985).

**Quoted** in *Lewis v. White*, 287 N.C. 625, 216 S.E.2d 134 (1975).

**Cited** in *State ex rel. Tennessee Dep't of Health & Env't v. Environmental Mgt. Comm'n*, 78 N.C. App. 763, 338 S.E.2d 781 (1986); *In re Environmental Mgt. Comm'n*, 80 N.C. App. 1, 341 S.E.2d 588 (1986).

#### § 143-212. Definitions applicable to Article.

The following definitions apply to this Article:

- (1) "Area of the State" means a municipality, a county, a portion of a county or a municipality, or other substantial geographic area of the State designated by the Commission.
- (2) "Commission" means the North Carolina Environmental Management Commission.
- (3) "Department" means the Department of Environment, Health, and Natural Resources.
- (4) "Person" includes individuals, firms, partnerships, associations, institutions, corporations, municipalities and other political subdivisions, and governmental agencies.
- (5) "Secretary" means the Secretary of the Department of Environment, Health, and Natural Resources.
- (6) "Waters" means any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of this State, including any portion of the Atlantic Ocean over which the State has jurisdiction. (1987, c. 827, s. 152A; 1989, c. 727, s. 218(103).)



**SOLID WASTE MANAGEMENT FACILITY  
PERMIT APPLICATION TRACKING SYSTEM**

**CAMDEY PROPERTIES** General Information

Applicant: EARL LATTA BY DUANE K. STEWART & ASSOCIATES

Address: P.O. BOX 2508

Phone Number: 919-383-1577

DURHAM, N.C. 27715-2508

Fax Number: \_\_\_\_\_

Facility Location: DURHAM, N.C.

Type of Facility: LCID L.F.

Type of Waste: LCID + YW

Consultant: DUANE K. STEWART & ASSOC. (JEFF LECKY OR KEVIN BURKE)

Address: 3325 CHAPEL HILL BLVD.

Phone Number: 919-490-2995

SUITE 230

Fax Number: 919-490-6165

DURHAM, N.C. 27707

Preliminary Assistance	
SPOKE w/ JEFF LECKY on 6/10/94 on LCID APPL.	
SPOKE w/ JEFF LECKY on 6/24/94 ASWE ZONING APPROVAL	
1 <sup>ST</sup> REVIEW	6/24/94
2 <sup>ND</sup> REVIEW	6/27/94

Site Suitability Application	DATE
Site Application Received	6/23/94
Completeness Review Letter Sent (FAXED 7/1/94)	MAILED 7/1/94
Additional Information Received	
DEM Copy Sent (Ground Water Quality, Air Quality, Water Quality)	
DEM Comments Received	
Geology & Hydrology Review Initiated	
Geology & Hydrology Comments Received	
Technical Review Letter Sent	
Additional Information Received	
Site Suitability Letter Issued	







**FAX TRANSMITTAL SHEET**

**North Carolina Department of Environmental, Health,  
and Natural Resources  
225 Green Street, Suite 601  
Fayetteville, N.C. 28301  
Fax No. 486-1791**

**TO:** JEFF LECKY

**FROM:** J/A BARBER

**SUBJECT:** \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

7/1/94 @ 12:45p~.

7/5/94 @ 11:48am.

FAX# 919-490-6165

**NUMBER OF PAGES INCLUDING COVER SHEET:** 4

**PLEASE CALL (910) 486-1191 IF YOU DID NOT RECEIVE ENTIRE TRANSMITTAL.**

