

North Carolina  
Department of Environment and Natural Resources

LCIDN32-J Permit Waste  
Industries-StoneParkCourt



Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Director

August 12, 2003

Mr. Jerry Johnson, Disposal Operations Manager  
Waste Industries, Inc.  
3301 Benson Drive  
Suite 601  
Raleigh, North Carolina 27609

Subject: Waste Industries: Durham District- Stone Park Court Land Clearing and Inert  
Debris Landfill; Phase III  
Durham, Durham County, North Carolina  
Permit #32-J: Modification #4

Dear Mr. Johnson:

Enclosed please find a Solid Waste Permit and Conditions of the Solid Waste Permit for the above referenced Land Clearing & Inert Debris(LCID)landfill. This is a PERMIT TO OPERATE for Phase ONE, Cells 1, 2 and 3 as shown on sheet 1/Drawing No. X1 dated 21 July 2003 and the previous approved plans in accordance with the construction certifications by G.N. Richardson.

Also note Condition No. 9, which requires that we hold a pre-operative meeting and that outlines the pre-operative conditions that need to be met prior to operation. Please contact Robert Hearn, Environmental Technician, when you are ready to schedule a meeting. Mr. 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  
Permitting Branch Supervisor  
Solid Waste Section

cc: Jim Coffey  
Mark Fry  
Robert Hearn  
✓ Raleigh Central File: Permit # 32-J; Durham County

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone: 919-733-0692 \ FAX: 919-733-4810 \ Internet: www.enr.state.nc.us/

PERMIT NUMBER: 32-J  
ORIGINAL DATE ISSUED(PTC): 04/16/99  
DATE AMENDED(#1 PTO/PHASE 1/CELL 1): 08/18/99  
DATE AMENDED(#2 PTO/PHASE 1/CELL 2): 06/19/00  
DATE AMENDED(#3 PTO/Wood recycling): 11/15/02  
DATE AMENDED(#4 PTO/PHASE 1/CELL1-3): 08/12/03

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

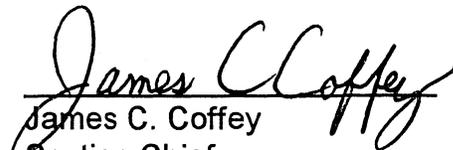
SOLID WASTE PERMIT

WASTE INDUSTRIES INC.

is hereby issued a PERMIT TO OPERATE PHASE 1, CELLS 1, 2 and 3 for a

LAND CLEARING AND INERT DEBRIS LANDFILL  
and a  
WOOD AND INERT DEBRIS RECYCLING AREA IN CELLS 2, 3 AND 4

located at 148 Stone Park Court in the Durham District Campus of Waste Industries, in Durham, 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 permit application and the site drawings.

  
James C. Coffey  
Section Chief  
Solid Waste Section  
Division of Waste Management

PERMIT NUMBER: 32-J  
PERMIT ISSUED: 04/16/99  
DATE AMENDED(#4): 08/12/03  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING & INERT DEBRIS LANDFILL

CONDITIONS OF PERMIT

1. This permit will be subject to review every five years, as per 15A NCAC 13B .0201(c), according to the issuance date of this permit and shall be renewed on or before 12 August 2008. Modifications to the facility may be required in accordance with rules in effect at the time of review. The Solid Waste Section will consider for renewal of the LCID permit based on past compliance history and rules in effect at that time. This permit is for the construction and operation of the landfill(PHASE ONE, CELLS 1, 2 AND 3) according to the approved plans and the renewal plan sheet 1/Drawing X1, dated 21 July 2003. Any revisions of these approved plans must be approved by the North Carolina Solid Waste Section.
2. Amendments or revisions to the NC Solid Waste Management Rules or any violation of groundwater standards may necessitate modification of the approved plans or closure of the facility.
3. This permit shall not be effective unless the certified copy is filed in the Register of Deeds office and indexed in the grantor index under the name of the owner of the land in the county or counties in which the land is located. The certified copy of the permit, affixed with the Register's seal and the date, book, and page number of recording shall be returned to the Division of Solid Waste Management, within THIRTY (30) working days, from date received. Please send the recorded permit copy to:

SOLID WASTE SECTION  
225 GREEN STREET; SUITE 601  
FAYETTEVILLE, NORTH CAROLINA 28301  
ATTN: JIM BARBER

The original Permit to Construct was recorded in Book: 2649 Pages: 249 thru 256 on 20 May 1999. Based upon this information, this condition has been satisfied and this permit does not require recordation.

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.

PERMIT NUMBER: 32-J  
DATE ISSUED: 04/16/99  
DATE AMENDED(#4): 08/12/03  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT 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, non-painted brick, non-painted concrete, non-painted 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 in accordance with the approved plans and consistent with drawing PP-1 of 8.
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 and during the operation life of the site:
  - a. A site inspection and pre-operative meeting shall be conducted by a representative of the Solid Waste Section.
  - b. A sign shall be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements, 15A NCAC 13B .0566 (16).
  - c. Construction of PHASE ONE, CELLS 1, 2 and 3 shall be in accordance with plan Sheet No. 1/Drawing X1 by G.N. Richardson dated 21 July 2003 and sheet PP-1 of 8 of the original permit application prepared by Sungate Design Group. Certification by the design engineer that the facility has been constructed in accordance with the approved plans shall be submitted for the Permit to Operate.
  - d. Installation of a methane monitoring well at the fence line of the 12" sanitary sewer line that crosses the site and the property line. The well shall be located at the western end of the 12" sewer line near the property line for detection of methane gas migration along the pipe line/gravel bedding material used in constructing the sewer line.

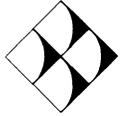
PERMIT NUMBER: 32-J  
DATE ISSUED: 04/16/99  
DATE AMENDED(#4): 08/12/03  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING AND INERT DEBRIS LANDFILL

10. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L.
11. An approved sedimentation and erosion control plan shall be obtained prior to the beginning of earth disturbing activities and all such activities shall be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4) along with any other state, federal or local requirements.
12. Cells 2, 3 and 4 shall be utilized for the storage and processing of incoming materials and outgoing product consistent with Figure 1 and the letter dated 6 November 2002.
13. The areas shaded on Fig. 1 shall be identified with markers/posts to delineate the storage areas. Said markers/post shall be maintained for reference.
14. Wood waste consisting of clean lumber scrap, pallets, plywood, oriented strand board (osb), engineered beams and other non-treated wood may be accepted and processed for boiler fuel. Treated wood (cca, salt, pressure, stained, painted etc.) shall not be collected, stored or processed.
15. Inert debris consisting of concrete, demolished roadway asphalt, brick and concrete block can be accepted and stored for processing. Painted inert debris shall be sampled to insure that lead levels are below the 5000ppm threshold, consistent with the attached memorandum dated 28 October 1998. Copies of test results shall be made available upon request to the Solid Waste Section representative inspecting the facility.
16. Run-off from the storage and processing areas shall be managed on-site, consistent with the erosion and sedimentation control plan for the facility.



## ATTACHMENTS

1. Approved site plan dated 10 February 1999, received on 10 February 1999.
2. Approved permit application dated 10 February 1999, received 10 February 1999.
3. Temporary Use Permit dated 29 October 1998 from Durham County.
4. Letter of Zoning Approval dated 22 February 1999 from Durham County, received 23 February 1999.
5. Letter of Sedimentation and Erosion Control Approval from Durham County dated April 1999.
6. Response from Durham County to Nancy Scott addressing temporary use permit and zoning letter dated 13 April 1999.
7. Certification letter from design engineer addressing pre-operational issues dealing with construction requirements dated 18 August 1999 for Phase 1/Cell 1.
8. Certification letter from design engineer, along with construction survey, addressing pre-operational issues dealing with construction requirements, for a permit to operate, dated 13 June 2000 for Phase 1/Cell 2.
9. Revised site plan detailing Phase 1 operations consisting of Cells 1, 2 and 3. Also plan Sheet No. 1/Drawing X1 dated 21 July 2003 details the installation of a 24" reinforced concrete pipe for the conveyance of storm water along the western boundary of the LCID landfill.
10. Letter dated 21 July 2003 from G.N. Richardson addressing past operations at the LCID landfill, airspace calculations and a request to change the operational phases at the site. Along with this letter is a Durham City-County Building Permit (revised zoning) letter dated 8 July 2003 for the operation of the landfill from 7/7/03 to 6/30/13, identified as Permit NO. 0302280 signed by the Chief Building Inspector.



**G.N. RICHARDSON & ASSOCIATES**

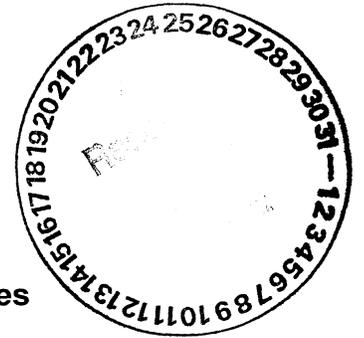
**Engineering and Geological Services**

PERMIT TO OPERATE  
32-J (DURHAM COUNTY)  
RALEIGH CENTRAL FILE COPY  
MODIFICATION #4

**APPROVED**

**DIVISION OF WASTE MANAGEMENT  
SOLID WASTE SECTION**

DATE 8/12/03 BY [Signature]



July 21, 2003

Jim Barber  
Eastern Area Engineer  
Solid Waste Section

**North Carolina Department of Environment and Natural Resources**  
225 Green Street, Wachovia Bldg., Suite 601  
Fayetteville, NC 28301

Re: **Permit Renewal**  
**Durham LCID Landfill – Permit No. 32-J**

Dear Mr. Barber:

On behalf of Waste Industries USA, Inc., G.N. Richardson & Associates, Inc. (GNRA) is submitting this request for renewal of the subject permit which was originally issued by the North Carolina Department of Environment and Natural Resources (NCDENR) to Waste Industries on/about April 16, 1999. In accordance with Permit No. 32-J Condition #1, the permit was issued for a period not to exceed the timeframe addressed in the temporary use planning/building permit issued by Durham County which expired on June 18, 2003. This will serve as notification that the above-referenced temporary use planning/building permit was reissued by the City of Durham on July 8, 2003 (**copy attached**). As shown, the permit was granted for a 10-year period and expires June 30, 2013.

As you are aware, the subject LCID landfill was originally engineered to include two (vertical) phases which are each divided into five cells and provide a total site life of about 10 years. The design capacity of the original design is approximately 462,000 CY. Under the original plan, all 5 cells of Phase 1 were to be filled after 5 years of operation. Due to several factors, the facility has been utilized much less than originally planned and filling operations have only progressed into the Phase 1 area of Cells 1 and 2. To date, approximately 84,000 cubic yards (CY) of waste have been disposed at the site (between January 1, 2000 and April 14, 2003). However, the site was effectively only operational between January 2000 and December 2002, at which time the site was essentially inactive due to market conditions. This would result in a rate of disposal of about 2,300 CY/month (about 28,000 CY/year).

Consequently, as part of this permit renewal process, we would request the following:

- ❖ Re-sequence the site such that over the next 5 years, Cells 1 through 3 are operated. The remaining volume in these cells is approximately 150,000 CY and at

Mr. Jim Barber  
July 21, 2003  
Page 2

a projected rate of about 2,300 CY/month, the site life through Cell 3 would be about 5 years (refer to the **attached Phase One site life calculation**); and,

- ❖ Revise the filling sequence such that cells are each filled to final grade rather than in two, separate, vertical phases.

Please refer to the **attached plan** which reflects this re-phasing as well as the operational limits that we envision over the next 5 years.

Additionally, in lieu of the originally-designed perimeter channel along the northern boundary (Drainage Ditch D), we would propose to install a culvert to convey flows to the sedimentation basin/stormwater detention pond at the southern limit of the site. As in the case of the drainage ditch, this culvert (anticipated to be 24" RCP or equal) would be installed outside the waste limit (beneath a perimeter berm which parallels the property line) along the site's northern boundary. All required setbacks and buffers will be met in this regard, as originally permitted. The purpose for this improvement is to 1) provide a location to place the surplus soil previously excavated during Cell 1 & 2 construction; 2) provide improved stormwater control around the site by shortening the final cover slopes; and 3) providing final access around the perimeter of the site for long-term maintenance following site restoration (closure). This operational modification is depicted on the **attached plan and typical cross-section** which show both the original ditch and perimeter berm/culvert. No other changes are requested at this time.

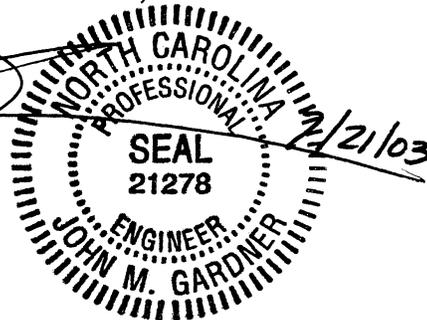
Should you have any questions or require clarification in this regard, please call me.

Respectfully submitted,  
**G.N. Richardson & Associates, Inc.**

  
John M. Gardner, P.E.  
Sr. Project Manager

Attachments

cc; J. Johnson  
Robert Hearn



# DURHAM CITY - COUNTY BUILDING PERMIT

PERMIT NO.: 0302280

DATE ISSUED: 07/08/2003

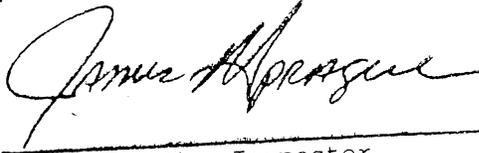
JOB ADDRESS: 0148 STONE PARK CT

TYPE PAYMENT: CASH

ADDRESS DESCRIPTION:

JURISDICTION: CITY

OWNER: WASTE INDUSTRIES



Chief Building Inspector  
PHONE NUMBER:

ARCHITECT:

TYPE OCCUPANCY: MODERATE HAZARD

TYPE APPLICATION: TEMPORARY USE

## ESTIMATED COST OF CONSTRUCTION

<b>ESTIMATED COST OF CONSTRUCTION</b>		ZONING: I3
		HD:
		BOA:
GENERAL..... <b>WASTE INDUSTRIES</b>	COST:	IP: N LS: N
PLUMBING.....	COST:	CWS: N FF: N
ELECTRICAL.....	COST:	MTC: N SB: N
MECHANICAL.....	COST:	FD: N SP: N
OTHER.....	COST:	WP: N
TOTAL BUILDING COST:		
NUMBER OF BATHS:	TYPE OF CONSTRUCTION: <b>TSB OTHER</b>	
NUMBER OF BEDROOMS:	TYPE OF HEAT: <b>NOT APPLICABLE</b>	SET BACK. F:
NUMBER OF ROOMS:	TYPE OF ROOF: <b>NOT APPLICABLE</b>	LS:
NUMBER OF STORIES:	SQ. FT. LAND AREA:	RS:
NUMBER OF UNITS:	SQ. FT. FLOOR AREA:	R:
NUMBER OF HANDICAP UNITS:	NO. PARKING SPACES:	HT:
BASEMENT: N	NO. HANDICAP PARKING SPACES:	TOTAL BUILDING PERMIT: 42,000

TAX MAP REFERENCE: 840-03-20-8957

JOB DESCRIPTION: TEMP DEMOLITION LANDFILL- 7/7/03-6/30/13  
INSP: DAVID COWARD- 560-4203

WASTE INDUSTRIES  
3301 BENSON DR  
RALEIGH NC 27609

STATE LICENSE NO.:  
PHONE NUMBER: 919 325 3000

This permit is hereby granted subject to compliance with the North Carolina State Building Code, the Durham City/County Zoning Ordinance, and all other applicable state and local laws.

Durham LCID Site

Project: land projects

Fri July 18 17:35:40 2003

Site Volume Table: Unadjusted

Cut yards	Fill yards	Net yards	Method
=====			

Site: SITE

Stratum: opt2-cell3	fb-design-grades	fcvr-opt2-cell3	
1	<u>236,275</u>	236,274 (F)	Composite

REMAINING IN CELLS 1 → 3 (GROSS)

VOLUME DEPLETED TO DATE:

$$\begin{aligned}
 &1/1/00 - 4/3/02 \approx 78,078 \text{ CY} \\
 &4/3/02 - 4/14/03 \approx 5,599 \text{ CY} \\
 &\quad\quad\quad \underline{83,677 \text{ CY}} \\
 &\text{SAY } \underline{\underline{84,000 \text{ CY}}}
 \end{aligned}$$

AS OF 4/14/03 REMAINING:

$$\begin{aligned}
 &= 236,275 \text{ CY} - 84,000 \text{ CY} \\
 &= \underline{\underline{152,275 \text{ CY (PHASE ONE)}}}
 \end{aligned}$$

$$@ 2,333 \text{ CY/MO} = 28,000 \text{ CY/YR}$$

SO REMAINING LIFE IN 1 → 3  $\approx$  5.4 YRS

SAY 5 YRS.

2500

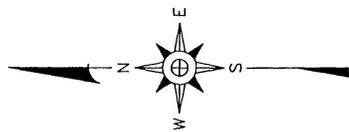
42000

041500

2041000

N 801000

N 800500



PROPERTY LINE

LIMITS OF DISTURBANCE

WASTE LIMITS

CELL 5

PHASE TWO

CELL 4

CELL 3

PHASE ONE

CELL 2

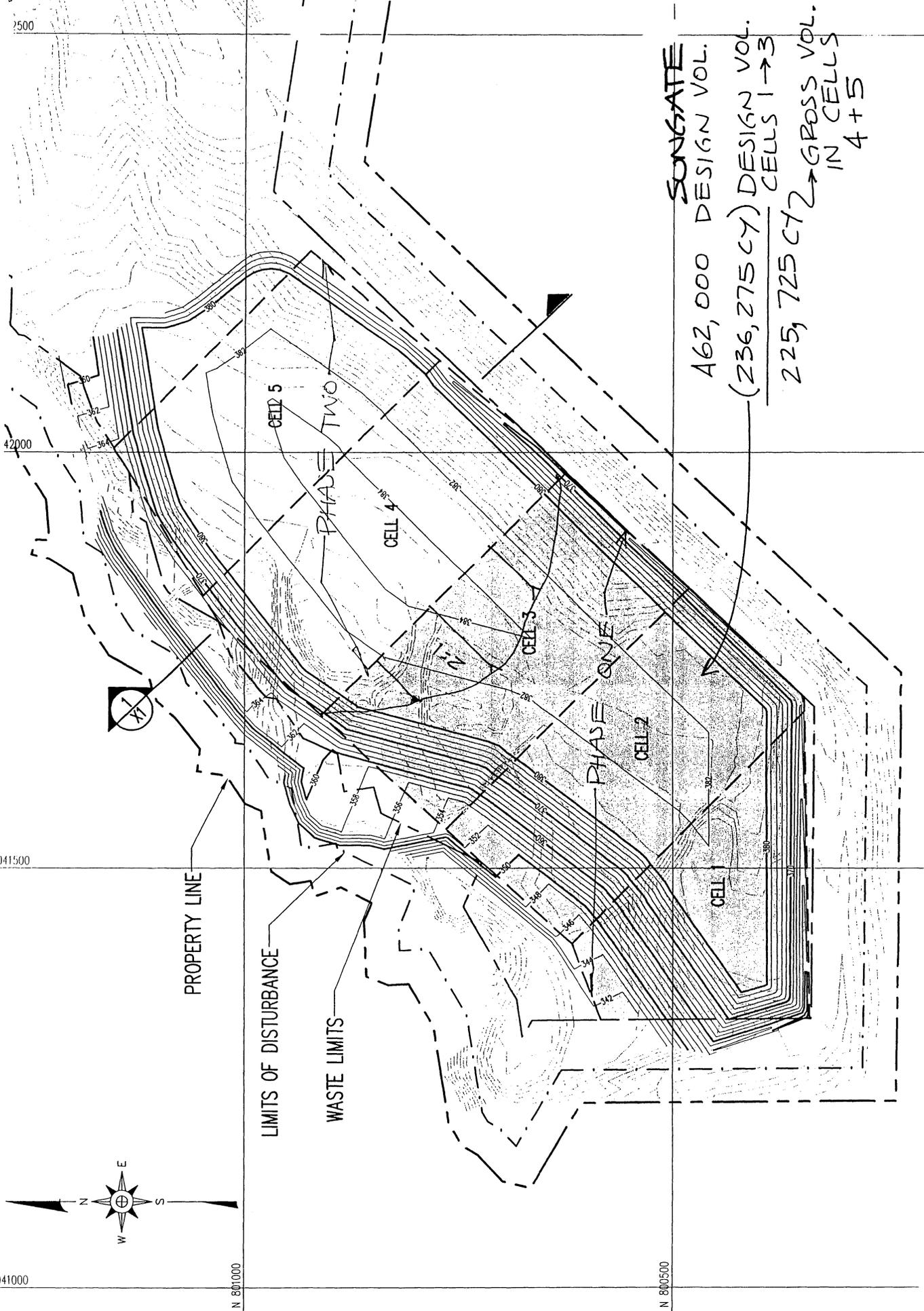
CELL 1

SONGATE

A62,000 DESIGN VOL.

(236,275 CY) DESIGN VOL.  
CELLS 1-3

225,725 CY → GROSS VOL.  
IN CELLS  
4+5



Instructions: Complete upper portion and submit this form to the Field Operations Branch Compliance Officer.

Review Requested by: JIM BARBER Date Requested: 7/28/03

Type of Permit: LCIA LF Check One: New Permit  Renewal

Applicant Contact and Business Name: WASTE INDUSTRIES

Parent Company/Known Subsidiaries/Other known names business has operated under:  
SAME

Known Counties of Operation: EASTERN, NC

Does the applicant have a past or current solid waste permit? Yes  No

If yes, write facility type: T.S./MSW/CID, and permit #: 82-02, 92-?, 32-?

To be completed by Compliance Officer and returned to Permitting or Composting & Land Application Branch staff.

1. The applicant's compliance history for the past three years was reviewed on 7/29/03.

2. The applicant has an outstanding compliance order with administrative penalty.  
Yes  If yes, describe unresolved issue(s): \_\_\_\_\_

No

3. The applicant has been issued two or more compliance orders in the past three years.  
Yes  If yes, describe nature of the violation(s): \_\_\_\_\_

No

✓ 4. Permit denial based on the applicant's compliance history is recommended.  
Yes  Remarks: \_\_\_\_\_

No

7/29/03  
Date

[Signature]  
Compliance Officer

# *Waste Industries Compliance Review*

*SITENAME*                      *WASTE INDUSTRIES-VANCE COUNTY*

<i>Permit #</i>	<i>ID #</i>	<i>ACTION</i>	<i>Violation</i>	<i>Date Issued</i>	<i>Date Closed</i>
9102-T	P0843	INSPECT	.0402(6)	3/4/03	7/15/03
9102-T	P0843	INSPECT	.0402(7), PERM COND G	11/30/00	12/31/00
9102-T	P0843	INSPECT	.0402(7), PERM COND G	5/11/00	12/31/00

*SITENAME*                      *WI-SAMPSON COUNTY C&D UNIT*

<i>Permit #</i>	<i>ID #</i>	<i>ACTION</i>	<i>Violation</i>	<i>Date Issued</i>	<i>Date Closed</i>
8202	P0714	WARNING LETTER	.0505(6)(a), .0505(11)(a)	8/28/00	12/31/00

*SITENAME*                      *WI-SAMPSON COUNTY DISPOSAL INC*

<i>Permit #</i>	<i>ID #</i>	<i>ACTION</i>	<i>Violation</i>	<i>Date Issued</i>	<i>Date Closed</i>
8202	P0131	WARNING LETTER	RE INSPECT ON 8/17/00	8/28/00	12/31/00
8202	P0131	NOV	.1626(7)(c)	2/1/01	12/31/01
8202	P0131	INSPECT	.0505(11)(a)	2/1/01	12/31/01
8202	P0131	INSPECT	.0505 (6)(a) (11)(a)	8/17/00	12/31/00
8202	P0131	INSPECT	.1626(1)(f)(l)(ii)(iii)(iv), .1626 2(a), .1626 7(a)(c)	8/17/00	12/31/00

# ***Solid Waste Field Operations Inspection Report***

***Ben Barnes***

***County VANCE***

***WASTE INDUSTRIES-VANCE COUNTY***

***OPEN***

***Permit # 9102-T***

***SW Director***

***Phone (252) 430-7171***

<b><i>Date Inspected</i></b>	<b><i>Unit Type</i></b>	<b><i>In Compliance</i></b>
3/4/03	TRANS	No
9/11/02	TRANS	Yes
4/3/02	TRANS	Yes
12/10/01	TRANS	Yes
6/6/01	TRANS	Yes
11/30/00	TRANS	No
5/11/00	TRANS	No

***County WILSON***

***WASTE INDUSTRIES WILSON TRANSFER ST.***

***OPEN***

***Permit # 9806-T***

***SW Director Clayton***

***Phone (252) 399-2823***

<b><i>Date Inspected</i></b>	<b><i>Unit Type</i></b>	<b><i>In Compliance</i></b>
2/27/03	TRANS	Yes
11/15/02	TRANS	Yes
7/18/02	TRANS	Yes
2/20/02	TRANS	Yes
12/7/01	TRANS	Yes
6/11/01	TRANS	Yes
11/29/00	TRANS	Yes

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6/8/00                      TRANS                      Yes

**WASTE INDUSTRIES- BLK. CRK. RD.  
TRANSFER**

*Open*

**Permit #** 9808-T                      **SW Director** Clayton                      **Phone** (252) 399-2823

<i>Date Inspected</i>	<i>Unit Type</i>	<i>In Compliance</i>
2/27/03	TRANS	Yes
9/4/02	TRANS	Yes
7/18/02	TRANS	Yes
2/20/02	TRANS	Yes

# *Dennis Shackelford*

*County SAMPSON*

*WI-SAMPSON COUNTY C&D UNIT*

*OPEN*

*Permit # 8202 SW Director Underwood Phone (910) 592-1131*

<i>Date Inspected</i>	<i>Unit Type</i>	<i>In Compliance</i>
2/12/02	CDLF	Yes
10/23/01	CDLF	Yes

*WI-SAMPSON COUNTY DISPOSAL INC*

*OPEN*

*Permit # 8202 SW Director Underwood Phone (910) 592-1131*

<i>Date Inspected</i>	<i>Unit Type</i>	<i>In Compliance</i>
7/9/02	MSWLF	Yes
2/12/02	YW	Yes
2/12/02	TIRE	Yes
2/12/02	MSWLF	Yes
10/23/01	MSWLF	Yes
10/23/01	TIRE	Yes
10/23/01	LCID	Yes
8/17/00	MSWLF	No
8/17/00	CDLF	No
8/16/00	CDLF	No

# **Robert Hearn**

**County DURHAM**

**WASTE INDUSTRIES- STONE PARK Ct. LCID LF**

*Open*

**Permit # 32J**

**SW Director McCary**

**Phone (919) 560-4185**

<b><i>Date Inspected</i></b>	<b><i>Unit Type</i></b>	<b><i>In Compliance</i></b>
12/12/02	LCID	Yes
9/17/02	LCID	Yes
8/29/02	LCID	Yes
8/21/02	LCID	Yes
5/8/02	LCID	Yes
12/27/01	LCID	Yes

**County WAKE**

**WASTE INDUSTRIES CROSSWINDS PARK  
TRANSFER STATION**

*OPEN*

**Permit # 9217**

**SW Director Woodlief**

**Phone (919) 856-6186**

<b><i>Date Inspected</i></b>	<b><i>Unit Type</i></b>	<b><i>In Compliance</i></b>
12/14/01	TRANS	Yes



North Carolina  
Department of Environment and Natural Resources



Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Interim Director

November 15, 2002

Mr. Jerry Johnson, Disposal Operations Manager  
Waste Industries, Inc.  
3301 Benson Drive  
Raleigh, North Carolina 27609

Subject: Waste Industries: Durham District- Stone Park Court Land Clearing and Inert  
Debris Landfill; Phase III  
Durham, Durham County, North Carolina  
Permit #32-J: Modification #3 - Wood and Inert Debris recycling area

Dear Mr. Johnson:

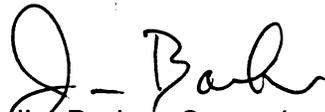
Enclosed please find a revised Solid Waste Permit and Conditions of the Solid Waste Permit for the above referenced Land Clearing & Inert Debris(LCID)landfill. This is a PERMIT TO OPERATE for Phase ONE, Cells 1 AND 2 shown on sheet PP-1 of 8 in the approved plans and in accordance with the construction certification, by G.N. Richardson, consisting of a letter dated 13 June 2000 and a drawing dated 12 June 2000 and received 13 June 2000(copies enclosed and incorporated into the approved documents list). This revision is related to the information provided in the transmittal letter dated 6 November 2002 addressing the storage and processing of clean wood and inert debris at the facility. Cells 2, 3 and 4 will be utilized as collection, processing and storage areas per figure 1 dated November 2002 from G.N. Richardson.

Also note Condition No. 9, which requires that we hold a pre-operative meeting and that outlines the pre-operative conditions that need to be met prior to operation.

Mr. Johnson  
Page 2  
November 15, 2002

Please contact Robert Hearn, Environmental Technician, when you are ready to schedule a meeting. Mr. Hearn can be reached in our Raleigh Regional Office at (919) 571-4700. If you have questions about your permit, please contact me at (919) 733-0692 ext. 255

Sincerely,

A handwritten signature in black ink that reads "Jim Barber". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

Jim Barber, Supervisor  
Permitting Branch  
Solid Waste Section

cc: Mark Fry  
Robert Hearn  
✓ Raleigh Central File: Permit # 32-J; Durham County  
G.N. Richardson

PERMIT NUMBER: 32-J  
ORIGINAL DATE ISSUED(PTC): 04/16/99  
DATE AMENDED(#3/wood recycling): 11/15/02

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

**SOLID WASTE PERMIT**

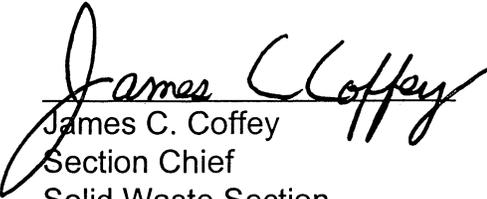
WASTE INDUSTRIES INC.

is hereby issued a PERMIT TO OPERATE PHASE 1, CELLS 1 AND 2 for a  
LAND CLEARING AND INERT DEBRIS LANDFILL

AND

A WOOD AND INERT DEBRIS RECYCLING AREA IN CELLS 2, 3 AND 4

located at 148 Stone Park Court in the Durham District Campus of Waste Industries, in Durham, 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 permit application and the site drawings.

  
James C. Coffey  
Section Chief  
Solid Waste Section  
Division of Waste Management

PERMIT NUMBER: 32-J  
PERMIT ISSUED: 04/16/99  
DATE AMENDED(#3): 11/15/02  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING & INERT DEBRIS LANDFILL

CONDITIONS OF PERMIT

1. This permit is issued for a period not to exceed the time frame addressed in the temporary use permit/building permit issued by Durham County that expires on 18 June 2003. Once a renewed temporary use permit is issued; then the Solid Waste Section will consider for renewal of the LCID permit based on past compliance history and rules in effect at that time. This permit is for the construction and operation of the landfill(PHASE ONE, CELLS 1 AND 2) 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. Please send the recorded permit copy to:

SOLID WASTE SECTION  
225 GREEN STREET; SUITE 601  
FAYETTEVILLE, NORTH CAROLINA 28301  
ATTN: JIM BARBER

4. When this property is sold, leased, conveyed, or transferred, the deed or other instrument of transfer shall contain in the deed description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a land clearing and inert debris landfill.
5. This facility is permitted to receive land clearing waste, yard trash, untreated and unpainted wood, and inert debris such as rock, non-painted brick, non-painted concrete, non-painted 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-J  
DATE ISSUED: 04/16/99  
DATE AMENDED(#2): 06/19/00  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING AND INERT DEBRIS LANDFILL

CONDITIONS OF PERMIT

6. Waste shall be placed a minimum of four (4) feet above the seasonal high water table in accordance with the approved plans and consistent with drawing PP-1 of 8.
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.
  - b. A sign shall be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements, 15A NCAC 13B .0566 (16).
  - c. Construction of PHASE ONE, CELLS 1 THRU 5 shall be in accordance with plan sheet PP-1 of 8 and consistent with permit application prepared by Sungate Design Group. Certification by the design engineer that the facility has been constructed in accordance with the approved plans shall be submitted for the Permit to Operate.
  - d. Installation of a methane monitoring well at the fence line of the 12" sanitary sewer line that crosses the site and the property line. The well shall be located at the western end of the 12" sewer line near the property line for detection of methane gas migration along the pipe line/gravel bedding material used in constructing the sewer line.
10. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L.

PERMIT NUMBER: 32-J  
PERMIT ISSUED: 04/16/99  
DATE AMENDED(#3): 11/15/02  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING & INERT DEBRIS LANDFILL

CONDITIONS OF PERMIT

11. An approved sedimentation and erosion control plan shall be obtained prior to the beginning of earth disturbing activities and all such activities shall be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4) along with any other state, federal or local requirements.
12. Cells 2, 3 and 4 shall be utilized for the storage and processing of incoming materials and outgoing product consistent with Figure 1 and the letter dated 6 November 2002.
13. The areas shaded on Fig. 1 shall be identified with markers/posts to delineate the storage areas. Said markers/post shall be maintained for reference.
14. Wood waste consisting of clean lumber scrap, pallets, plywood, oriented strand board (osb), engineered beams and other non-treated wood may be accepted and processed for boiler fuel. Treated wood (cca, salt, pressure, stained, painted etc.) shall not be collected, stored or processed.
15. Inert debris consisting of concrete, demolished roadway asphalt, brick and concrete block can be accepted and stored for processing. Painted inert debris shall be sampled to insure that lead levels are below the 5000ppm threshold, consistent with the attached memorandum dated 28 October 1998. Copies of test results shall be made available upon request to the Solid Waste Section representative inspecting the facility.
16. Run-off from the storage and processing areas shall be managed on-site, consistent with the erosion and sedimentation control plan for the facility.

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

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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.

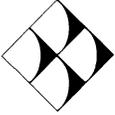
Certification that paint on concrete is not lead-based paint, is required prior to management as inert debris. *Lead-based Paint* is defined by federal statute (Title X of the Housing and Community Development Act and the Toxic Substances Control Act, by reference) as paint that contains greater than 0.5 percent (%) lead by weight (or 5,000 parts per million) or 1 mg/cm<sup>2</sup>.

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.

## ATTACHMENTS

1. Approved site plan dated 10 February 1999, received on 10 February 1999.
2. Approved permit application dated 10 February 1999, received 10 February 1999.
3. Temporary Use Permit dated 29 October 1998 from Durham County.
4. Letter of Zoning Approval dated 22 February 1999 from Durham County, received 23 February 1999.
5. Letter of Sedimentation and Erosion Control Approval from Durham County dated April 1999.
6. Response from Durham County to Nancy Scott addressing temporary use permit and zoning letter dated 13 April 1999.
7. Certification letter from design engineer addressing pre-operational issues dealing with construction requirements dated 18 August 1999 for Phase 1/Cell 1.
8. Certification letter from design engineer, along with construction survey, addressing pre-operational issues dealing with construction requirements, for a permit to operate, dated 13 June 2000 for Phase 1/Cell 2.
9. Letter dated 6 November 2002 and drawing labeled as Figure 1 for the operation, storage and processing of wood waste and inert debris in Cells 2, 3 and 4 at the LCID landfill.





## G.N. RICHARDSON & ASSOCIATES

Engineering and Geological Services

November 6, 2002

Jim Barber  
Branch Head  
NC Solid Waste Permitting  
**North Carolina Department of Environment  
and Natural Resources**  
401 Oberlin Road, Suite 150  
Raleigh, NC 27605-1350

Subject: Transmittal  
Amended Operations Plan  
Durham LCID Landfill

**APPROVED**  
DIVISION OF SOLID WASTE MANAGEMENT  
DATE 11/15/02 BY JAB  
32-J  
CENTRAL FILE COPY

Dear Jim:

On behalf of Waste Industries, the following presents a proposed amendment to the current Durham LCID Landfill Operating Plan<sup>1</sup> to incorporate stockpiling of processed asphalt, concrete, and wood pallets. Although the current permit allows woodwaste processing and other recyclable material storage, the following narrative is intended to supplement and clarify these anticipated uses, as recently required by Orange County, NC.

### OPERATIONS PLAN AMENDMENT

Waste Industries plans to process and temporarily store selected, recyclable materials within the LCID cell limits. These materials include the following:

- ❖ Concrete (including reinforced and painted as long as the paint is not lead-based<sup>2</sup>);
- ❖ Asphalt/bituminous concrete pavement; and,
- ❖ Clean wood (including pallets, lumber and engineered wood products that are not treated, painted, or stained).

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<sup>1</sup> Permit Application dated February 10, 1999, as prepared by Sungate design Group, PA and approved by the NCDENR on April 16, 1999.

<sup>2</sup> Based on Title X of the Housing and Community Development Act and the Toxic Substances Control Act as paint that contains less than 0.5% lead by weight (or 5,000 parts per million) or 1 mg/cm<sup>2</sup>

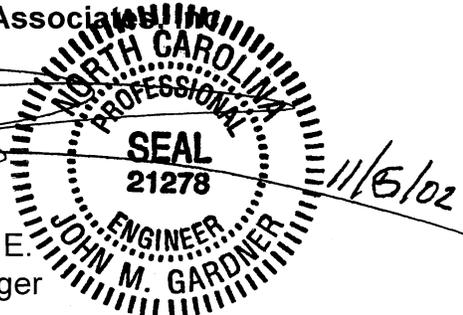
Mr. Jim Barber  
November 6, 2002  
Page 2

## PROCESSING/STOCKPILING

1. Wood pallets will be delivered and stockpiled within the limits of the LCID cell area as shown in **Figure 1**. Pallets will be shredded along with limbs, logs, stumps, and clean lumber. The processed material will subsequently be stockpiled in this same area until it is removed from the site for sale as fuel, compostable material, etc. The material will be stockpiled at the site for a maximum of 60 days. The final destination of the recyclable materials separated from the waste may vary depending on market prices for such materials. At the time of this amendment, the following markets are included: 1) Guy Shavender and 2) Weyerhaeuser (plants in Plymouth and New Bern, NC and Virginia).
2. Concrete (cement and asphaltic/bituminous) will be delivered and stockpiled within the limits of the LCID cell area as shown in **Figure 1**. The concrete waste will be crushed and subsequently stockpiled in this same area until it is removed from the site for sale as fill, aggregate, etc., as markets allow.

Should you have any questions, comments, or require clarification, please call me or Jerry Johnson.

Respectfully Submitted,  
G.N. Richardson & Associates



John M. Gardner, P. E.  
Senior Project Manager

encl.

Cc: J. Johnson





NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WASTE MANAGEMENT

June 19, 2000

JAMES B. HUNT JR.  
GOVERNOR

BILL HOLMAN  
SECRETARY

WILLIAM L. MEYER  
DIRECTOR

Mr. Ven Poole, Vice- President  
Support Seviles  
Waste Industries, Inc.  
3949 Browning Place  
Raleigh, North Carolina 27609

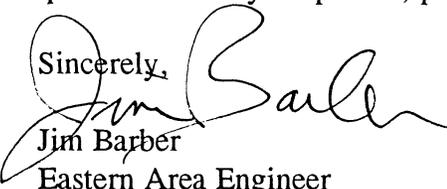
Subject: Waste Industries: Durham District- Stone Park Court Land Clearing and  
Inert Debris Landfill; Phase III  
Durham, Durham County, North Carolina  
Permit #32-J: Amendment #2

Dear Mr. Poole:

Enclosed please find a Solid Waste Permit and Conditions of the Solid Waste Permit for the above referenced Land Clearing & Inert Debris(LCID)landfill. This is a PERMIT TO OPERATE for Phase ONE, Cells 1 AND 2 shown on sheet PP-1 of 8 in the approved plans and in accordance with the construction certification, by G.N. Richardson, consisting of a letter dated 13 June 2000 and a drawing dated 12 June 2000 and received 13 June 2000(copies enclosed and incorporated into the approved documents list).

Also note Condition No. 9, which requires that we hold a pre-operative meeting and that outlines the pre-operative conditions that need to be met prior to operation. Please contact Robert Hearn, Environmental Technician, when you are ready to schedule a meeting. Mr. 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  
Mark Fry  
Robert Hearn

✓ Raleigh Central File: Permit # 32-J; Durham County



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

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

PERMIT NUMBER: 32-J  
ORIGINAL DATE ISSUED(PTC): 04/16/99  
DATE AMENDED(#1 PTO/PHASE 1/CELL 1): 08/18/99  
DATE AMENDED(#2 PTO/PHASE 1/CELL 2): 06/19/00

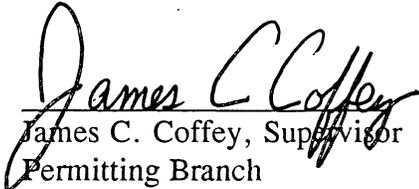
**SOLID WASTE PERMIT**

WASTE INDUSTRIES INC.

is hereby issued a PERMIT TO OPERATE PHASE 1, CELLS 1 AND 2 for a

**LAND CLEARING AND INERT DEBRIS LANDFILL**

located at 148 Stone Park Court in the Durham District Campus of Waste Industries, in Durham, 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 permit application and the site drawings.

  
James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

PERMIT NUMBER: 32-J  
PERMIT ISSUED: 04/16/99  
DATE AMENDED(#2): 06/19/00  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING & INERT DEBRIS LANDFILL  
CONDITIONS OF PERMIT

1. This permit is issued for a period not to exceed the time frame addressed in the temporary use permit/building permit issued by Durham County that expires on 18 June 2003. Once a renewed temporary use permit is issued; then the Solid Waste Section will consider for renewal of the LCID permit based on past compliance history and rules in effect at that time. This permit is for the construction and operation of the landfill(PHASE ONE, CELLS 1 AND 2) 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. Please send the recorded permit copy to:

SOLID WASTE SECTION  
225 GREEN STREET; SUITE 601  
FAYETTEVILLE, NORTH CAROLINA 28301  
ATTN: JIM BARBER

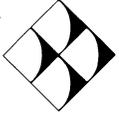
4. When this property is sold, leased, conveyed, or transferred, the deed or other instrument of transfer shall contain in the deed description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a land clearing and inert debris landfill.
5. This facility is permitted to receive land clearing waste, yard trash, untreated and unpainted wood, and inert debris such as rock, non-painted brick, non-painted concrete, non-painted 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 in accordance with the approved plans and consistent with drawing PP-1 of 8.

PERMIT NUMBER: 32-J  
DATE ISSUED: 04/16/99  
DATE AMENDED(#2): 06/19/00  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING AND INERT DEBRIS LANDFILL

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.
  - b. A sign shall be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements, 15A NCAC 13B .0566 (16).
  - c. Construction of PHASE ONE, CELLS 1 THRU 5 shall be in accordance with plan sheet PP-1 of 8 and consistent with permit application prepared by Sungate Design Group. Certification by the design engineer that the facility has been constructed in accordance with the approved plans shall be submitted for the Permit to Operate.
  - d. Installation of a methane monitoring well at the fence line of the 12" sanitary sewer line that crosses the site and the property line. The well shall be located at the western end of the 12" sewer line near the property line for detection of methane gas migration along the pipe line/gravel bedding material used in constructing the sewer line.
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.

## ATTACHMENTS

1. Approved site plan dated 10 February 1999, received on 10 February 1999.
2. Approved permit application dated 10 February 1999, received 10 February 1999.
3. Temporary Use Permit dated 29 October 1998 from Durham County.
4. Letter of Zoning Approval dated 22 February 1999 from Durham County, received 23 February 1999.
5. Letter of Sedimentation and Erosion Control Approval from Durham County dated April 1999.
6. Response from Durham County to Nancy Scott addressing temporary use permit and zoning letter dated 13 April 1999.
7. Certification letter from design engineer addressing pre-operational issues dealing with construction requirements dated 18 August 1999 for Phase 1/Cell 1.
8. Certification letter from design engineer, along with construction survey, addressing pre-operational issues dealing with construction requirements, for a permit to operate, dated 13 June 2000 for Phase 1/Cell 2.



**G.N. RICHARDSON & ASSOCIATES**  
Engineering and Geological Services

June 13, 2000

Mr. Jim Barber, Eastern Area Engineer  
North Carolina Department of Environment & Natural Resources  
Division of Waste Management  
401 Oberlin Road, Suite 150  
Raleigh, NC 27605



Subject: Waste Industries Durham District Campus  
Stone Park Court Phase III - LCID Landfill  
City of Durham, Durham County, North Carolina  
Permit #32-J

Dear Mr. Barber:

Per our recent discussions, and on behalf of Waste Industries, Inc., this will serve as notification that G.N. Richardson & Associates, Inc. (GNRA) is now serving as the design engineer for the subject site. As such, and in accordance with the August 18, 1999 Permit to Operate (PTO) for Phase I, Cell 1, attached herein, please find the as-built survey documentation for the excavation of the **Cell 2** area of the subject site, as prepared by John H. Thompson, PLS, of Surveying Solutions, P.C.

Following site reviews, and in conformance with Permit Condition 8c of the PTO, this will certify that construction of the **Cell 2** area has been completed in general accordance with the approved excavation plans, as prepared by Sungate Design Group, and is ready to begin operations. More specifically, as shown on the attached drawing, the constructed base grades are at or above the grades in the approved plans.

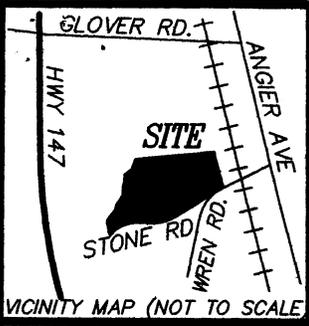
Should you have any additional questions or require clarification, please call me at your earliest convenience.

Respectfully submitted,  
G.N. Richardson & Associates, Inc.

John M. Gardner, P.  
Principal

Attachment

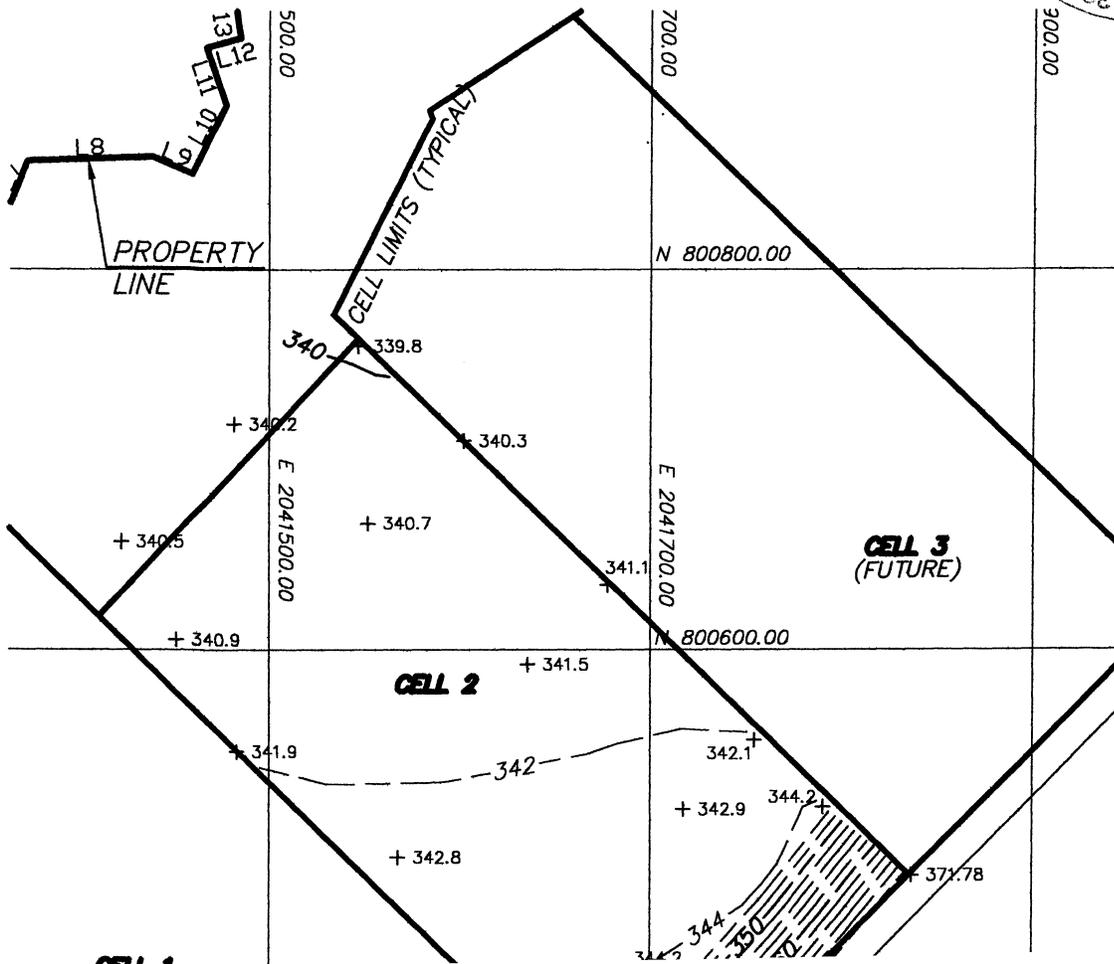
cc: Jerry Johnson  
John Thompson



I, JOHN H. THOMPSON CERTIFY THAT THE ELEVATIONS REPRESENTED BY ANY CONTOUR LINE AS PLOTTED DO NOT HAVE A VERTICAL ERROR GREATER THAN 0.5' OVER 90% OF THE AREA COVERED.

*[Signature]*  
JOHN H. THOMPSON, P.L.S. E-3770

6/12/00  
DATE



NC GRID (NAD 83)





**NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES**

**DIVISION OF WASTE MANAGEMENT**



August 18, 1999

**JAMES B. HUNT JR.  
GOVERNOR**

Mr. Ven Poole, Vice- President  
Support Services  
Waste Industries, Inc.  
3949 Browning Place  
Raleigh, North Carolina 27609

**WAYNE McDEVITT  
SECRETARY**

Subject: Waste Industries: Durham District- Stone Park Court Land Clearing and  
Inert Debris Landfill; Phase ~~II~~ I  
Durham, Durham County, North Carolina  
Permit #32-J

**WILLIAM L. MEYER  
DIRECTOR**

Dear Mr. Poole:

Enclosed please find a Solid Waste Permit and Conditions of the Solid Waste Permit for the above referenced Land Clearing & Inert Debris (LCID) landfill. This is a PERMIT TO OPERATE for Phase ONE, Cells 1 in accordance with the approved plans and the certification provided by Sungate Design Group, P.A. dated 2 August 1999.

Please note Condition No. 8, which requires that we hold a pre-operative meeting and that outlines the pre-operative conditions that need to be met prior to operation. Please contact Robert Hearn, Environmental Technician, when you are ready to schedule a meeting. Mr. Hearn can be reached in our Raleigh Regional Office at (919) 571-4700. If you have questions about your permit, please contact me at (336) 771-4608 ext. 204.

Sincerely,

Tim Jewett

Western Area Engineer  
Solid Waste Section

cc: Jim Coffey Terry Dover

Robert Hearn

Raleigh Central File: Permit # 32-J; Durham County

PERMIT # 32-J

Dated Issued: August 18, 1999

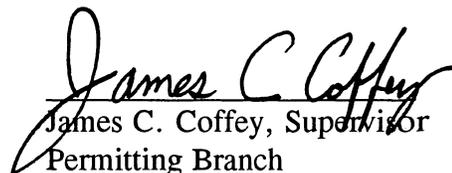
**SOLID WASTE PERMIT**

WASTE INDUSTRIES INC.

is hereby issued a permit to OPERATE PHASE 1, CELL 1 of a

**LAND CLEARING AND INERT DEBRIS LANDFILL**

located at 148 Stone Park Court in the Durham District Campus of Waste Industries, in Durham, 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 permit application and the site drawings.

  
James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

PERMIT NUMBER: 32-J  
DATE ISSUED: April 16, 1999  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING AND INERT DEBRIS LANDFILL

- b. A sign shall be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements, 15A NCAC 13B .0566 (16).
  - c. Construction of the remaining PHASE ONE, CELLS 2 - 5 shall be in accordance with plan sheet PP-1 of 8 and consistent with permit application prepared by Sungate Design Group. Certification by the design engineer that future Cells 2 through 5 have been constructed in accordance with the approved plans shall be submitted to obtain a modification to the Permit to Operate.
  - d. Survey stakes or other permanent markers shall be installed to delineate the landfill limits.
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.





*Geotechnical Engineering  
Environmental Consulting  
Construction Materials Testing*

July 12, 1999

Mr. Frank Braxton  
Sungate Design Group, P.A.  
915 Jones Franklin Road  
Raleigh, NC 27606

**Report of Methane Survey  
Waste Industries, Stone Park Court  
Durham County, North Carolina  
Our Project Number 121-99-07382**

Gentlemen:

As requested, TerraTech Engineers, Inc. has completed a methane survey at the subject property. We understand that the western portion of the subject property will be developed as a Land Clearing and Inert Debris (LCID) landfill facility. The purpose of the methane survey was to determine the background level of methane gas at this portion of the property. The only development present within this portion of the property consists of a 12-inch diameter sanitary sewer line. There is a potential for migration of methane gas along the bedding material used to construct the sewer line.

The survey included the installation of one gas monitoring well, MW-1, adjacent to sanitary sewer manhole, MH#19, near the western edge of the property. The approximate well location is shown on the enclosed Figure 1. The well was installed to a depth of approximately 8 feet below the ground surface. Based on measurements made at the site, the invert elevation of the existing sanitary sewer line at this location is approximately 7 feet below the ground surface. The enclosed Figure 2 illustrates the well construction used.

The survey consisted of measuring the methane vapor content within gas monitoring well, MW-1. A total of three separate readings were taken during the period of July 6 to July 12, 1999 using an ADC model LFG-10 Landfill Gas Analyser. The results of the field readings are provided below:

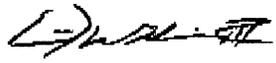
Sample Date	Reading (methane)
7-6-99	0.04%
7-8-99	0.04%
7-12-99	0.00%

If you have any questions about this report, or if we can be of additional service, please do not hesitate to contact us.

Sincerely,

TerraTech Engineers, Inc.

  
Anthony B. Williams, P.E.  
Geotechnical Engineer

  
Erwin T. Williams III, P.E.  
Senior Geotechnical

ABW/jb

Enclosures

**TERRATECH**  
ENGINEERING INC

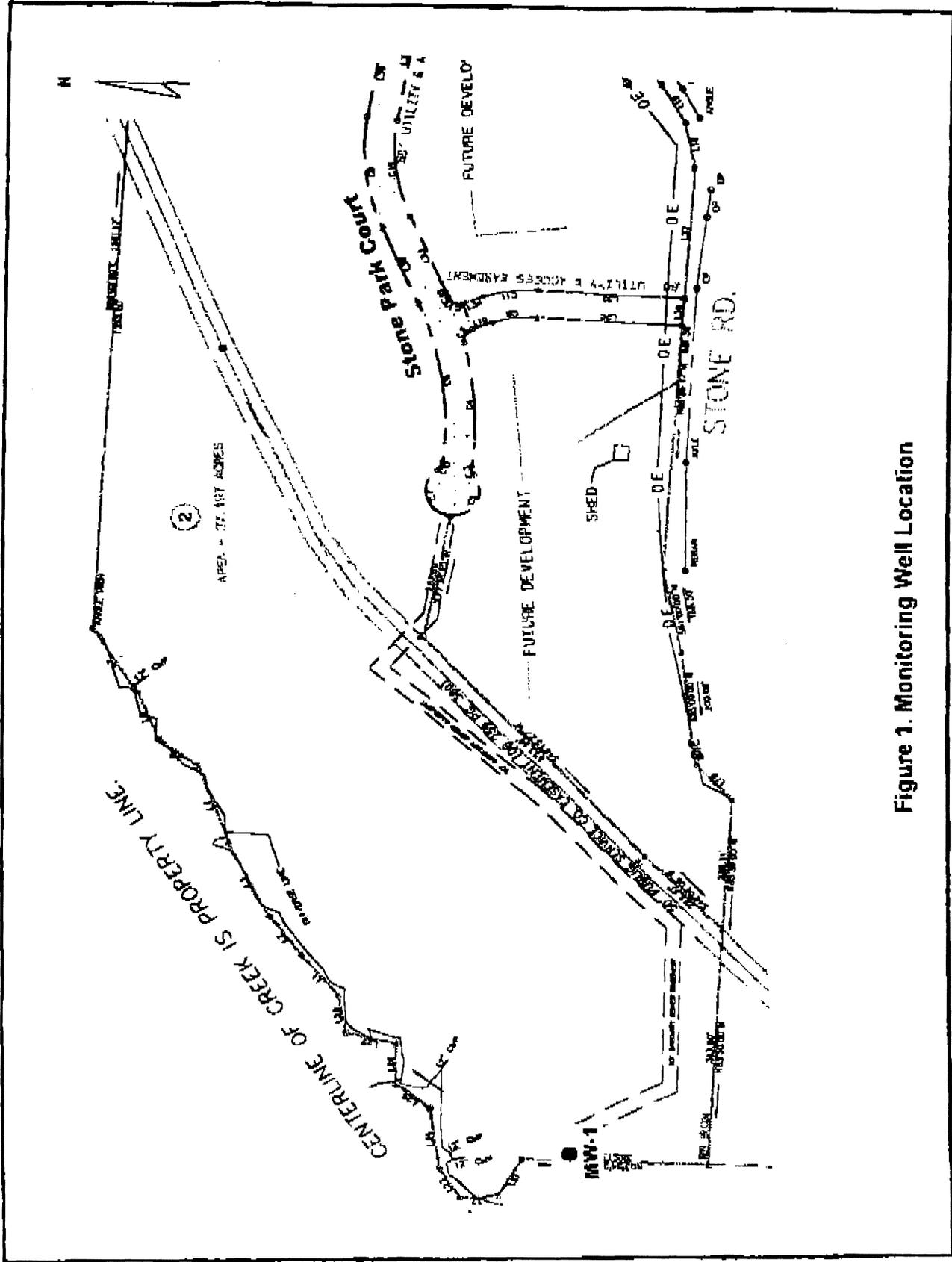
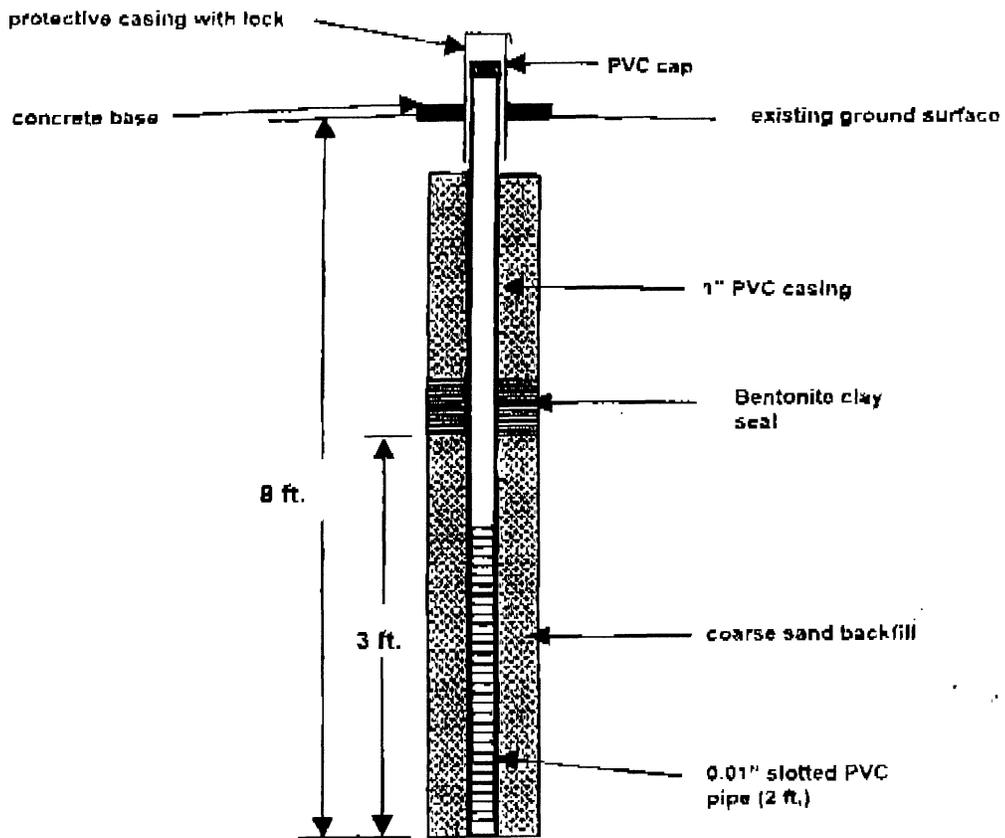


Figure 1. Monitoring Well Location

Project: Waste Industries, Stone Park Court  
Durham County, North Carolina  
Our Project Number 121-99-07382

Legend: ● Monitoring well location



**Figure 2. Gas Monitoring Well Construction**

Not to Scale

Legend:

Project: Waste Industries, Stone Park Court  
Durham County, North Carolina  
Our Project Number I21-99-07382





# Sungate Design Group, P.A.

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

915-A Jones Franklin Road • Raleigh, NC 27606 • e-mail: sungate@mindspring.com • Phone: 919.859.2243 • Fax: 919.859.6268

2 August, 1999

Mr. Tim Jewett, P.E.  
NCIDENR  
Division of Waste Management  
585 Waughtown Street  
Winston Salem, NC 27107

Subject: Waste Industries: Durham District  
Land Clearing and Inert Debris Landfill  
Durham, Durham County, North Carolina  
Permit #32-J

Dear Mr. Jewett:

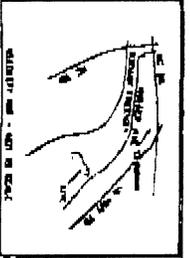
In accordance with Section 9c of the above referenced Permit's Conditions of Permit and based on field reconnaissance performed this date, I hereby certify that the construction of Phase One, Cell 1 is in basic conformance with the approved plans.

Please contact me should you have questions or need further information.

Respectfully submitted,

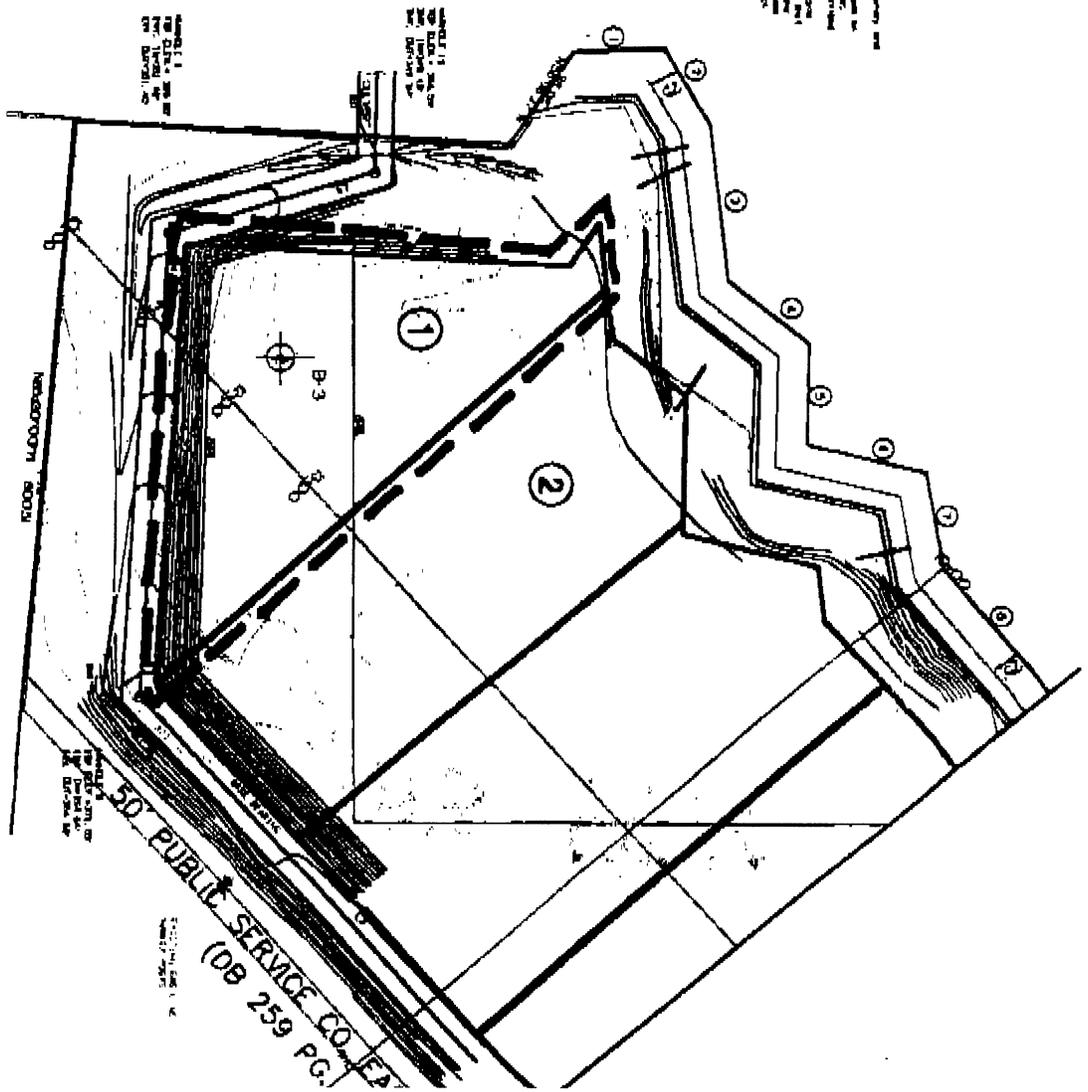
W. Henry Wells, P.E.

attachment



- EXCISE NOTES**
1. Refer to the site plan and the plan of the site for the location of the excavation.
  2. The site plan shows the location of the excavation and the location of the existing structures.
  3. The site plan shows the location of the excavation and the location of the existing structures.
  4. The site plan shows the location of the excavation and the location of the existing structures.
  5. The site plan shows the location of the excavation and the location of the existing structures.
  6. The site plan shows the location of the excavation and the location of the existing structures.
  7. The site plan shows the location of the excavation and the location of the existing structures.
  8. The site plan shows the location of the excavation and the location of the existing structures.
  9. The site plan shows the location of the excavation and the location of the existing structures.
  10. The site plan shows the location of the excavation and the location of the existing structures.

LINE	DESCRIPTION	REMARKS
1	Excavation	1st floor
2	Excavation	2nd floor
3	Excavation	3rd floor
4	Excavation	4th floor
5	Excavation	5th floor
6	Excavation	6th floor
7	Excavation	7th floor
8	Excavation	8th floor
9	Excavation	9th floor
10	Excavation	10th floor



CELL 1 EXCAVATION PLAN

<p><b>SMART DESIGN SOLUTIONS, INC.</b>                  1000 JERRY TAYLOR ROAD                  ALBANY, NORTH CAROLINA, 27006                  TEL: 919-338-8888 FAX: 919-338-8889</p>	<p><b>WASTE INDUSTRIES</b>                  DURHAM DISTRICT CAMPUS</p>	<p>DATE: 08/18/99                  DRAWN BY: [Name]                  CHECKED BY: [Name]</p>
--	--	---

LOD LANDFILL  
EXCAVATION PLAN

AN

EASEMENT  
PG. 380  
also

- 1. EXISTING GRADE
- 2. EXISTING ELEVATION
- 3. EXISTING ELEVATION
- 4. EXISTING ELEVATION
- 5. EXISTING ELEVATION
- 6. EXISTING ELEVATION
- 7. EXISTING ELEVATION
- 8. EXISTING ELEVATION
- 9. EXISTING ELEVATION
- 10. EXISTING ELEVATION



DATE	1/1/99
BY	ALTA
CHECKED	ALTA
SCALE	AS SHOWN
PROJECT NO.	1

© 1999 SUNGATE DESIGN GROUP, P.A. THIS DRAWING AND ALL REPRESENTATIONS OF IT ARE THE SOLE PROPERTY OF SUNGATE DESIGN GROUP AND NO PART OF THIS DRAWING WITHOUT WRITTEN CONSENT OF SUNGATE DESIGN GROUP IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

XXXXXXXXXXXXXXXXXXXX





**NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**DIVISION OF WASTE MANAGEMENT**



August 18, 1999

RECEIVED

AUG 23 1999

DIVISION OF WASTE MANAGEMENT  
LYETTEVILLE REGIONAL OFFICE

JAMES B. HUNT JR.  
GOVERNOR

Mr. Ven Poole, Vice- President  
Support Services  
Waste Industries, Inc.  
3949 Browning Place  
Raleigh, North Carolina 27609

WAYNE McDEVITT  
SECRETARY

Subject: Waste Industries: Durham District- Stone Park Court Land Clearing and Inert Debris Landfill; Phase ~~II~~ I  
Durham, ~~Durham~~ County, North Carolina  
Permit #32-J

WILLIAM L. MEYER  
DIRECTOR

Dear Mr. Poole:

Enclosed please find a Solid Waste Permit and Conditions of the Solid Waste Permit for the above referenced Land Clearing & Inert Debris (LCID) landfill. This is a PERMIT TO OPERATE for Phase ONE, Cells 1 in accordance with the approved plans and the certification provided by Sungate Design Group, P.A. dated 2 August 1999.

Please note Condition No. 8, which requires that we hold a pre-operative meeting and that outlines the pre-operative conditions that need to be met prior to operation. Please contact Robert Hearn, Environmental Technician, when you are ready to schedule a meeting. Mr. Hearn can be reached in our Raleigh Regional Office at (919) 571-4700. If you have questions about your permit, please contact me at (336) 771-4608 ext. 204.

Sincerely,

Tim Jewett  
Western Area Engineer  
Solid Waste Section

cc: Jim Coffey Terry Dover  
Robert Hearn  
✓ Raleigh Central File: Permit # 32-J; Durham County

RECEIVED

NOV 19 1999  
SOLID WASTE SECTION

PERMIT # 32-J

Dated Issued: August 18, 1999

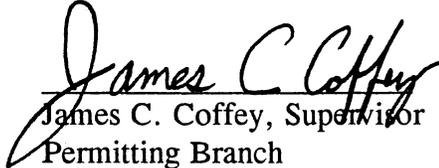
**SOLID WASTE PERMIT**

**WASTE INDUSTRIES INC.**

is hereby issued a permit to OPERATE PHASE 1, CELL 1 of a

**LAND CLEARING AND INERT DEBRIS LANDFILL**

located at 148 Stone Park Court in the Durham District Campus of Waste Industries, in Durham, 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 permit application and the site drawings.

  
James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

PERMIT NUMBER: 32-J  
PERMIT ISSUED (PTO): August 18, 1999  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING & INERT DEBRIS LANDFILL

CONDITIONS OF PERMIT

1. This permit is issued for a period not to exceed the time frame addressed in the temporary use permit/building permit issued by Durham County that expires on 18 June 2003. Once a renewed temporary use permit is issued, then the Solid Waste Section will consider renewal of the LCID permit based on past compliance history and rules in effect at that time. This permit is for the operation of the landfill (PHASE ONE, CELL 1) 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. 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.
4. This facility is permitted to receive land clearing waste, yard trash, untreated and unpainted wood, and inert debris such as rock, non-painted brick, non-painted concrete, non-painted 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.
5. Waste shall be placed a minimum of four (4) feet above the seasonal high water table in accordance with the approved plans and consistent with drawing PP-1 of 8.
6. 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).
7. This permit is not transferable.
8. 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.

PERMIT NUMBER: 32-J  
DATE ISSUED: April 16, 1999  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING AND INERT DEBRIS LANDFILL

- b. A sign shall be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements, 15A NCAC 13B .0566 (16).
  - c. Construction of the remaining PHASE ONE, CELLS 2 - 5 shall be in accordance with plan sheet PP-1 of 8 and consistent with permit application prepared by Sungate Design Group. Certification by the design engineer that future Cells 2 through 5 have been constructed in accordance with the approved plans shall be submitted to obtain a modification to the Permit to Operate.
  - d. Survey stakes or other permanent markers shall be installed to delineate the landfill limits.
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.



Attn to  
Solid Waste Section  
225 Green St - Ste 601  
Fayetteville NC 28301  
Attn Jim Bauber

FILED  
BOOK 2649 PAGE 249-250

39 MAY 20 PM 3 33

BOOK **2649** PAGE **249**

**CERTIFIED COPY OF SOLID WASTE PERMIT** WILLIE L. COVINGTON  
REGISTER OF DEEDS  
DURHAM COUNTY, N.C.

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

**RECEIVED**  
JUL 22 1999  
DIVISION OF WASTE MANAGEMENT  
FAYETTEVILLE REGIONAL OFFICE

JUL 22 1999  
Permitted  
Solid Waste  
Section

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

North Carolina

Wake County

I, B. J. Stanfield, 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 16 day of April, 1999.

B. J. STANFIELD  
NOTARY  
PUBLIC  
WAKE COUNTY, N.C.

*B. J. Stanfield*  
Notary Public

My commission expires December 29, 99.

State of North Carolina - Durham County  
The foregoing or annexed certificate(s) of B. J. Stanfield

A Notary (Notaries) Public for the Designated Governmental units is(are) certified to be correct.  
This the 20 day of May A.D. 19 99

21618

WILLIE L. COVINGTON *Willie L. Covington*  
Register of Deeds By: Assistant/Deputy Register of Deeds

*WLC*

ATTACHMENTS

1. Approved site plan dated 10 February 1999, received on 10 February 1999.
2. Approved permit application dated 10 February 1999, received 10 February 1999.
3. Temporary Use Permit dated 29 October 1998 from Durham County.
4. Letter of Zoning Approval dated 22 February 1999 from Durham County, received 23 February 1999.
5. Letter of Sedimentation and Erosion Control Approval from Durham County dated April 1999.
6. Response from Durham County to Nancy Scott addressing temporary use permit and zoning letter dated 13 April 1999.
7. Certification letter from design engineer addressing pre-operational issues dealing with construction requirements dated XX XXXXX 1999.

BOOK 2649 PAGE 250

~~PERMIT NO.~~  
Dated Issued: April 16, 1999

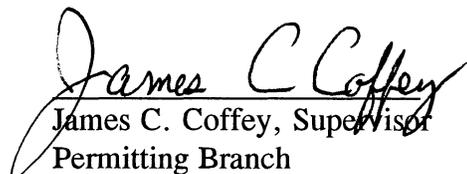
**SOLID WASTE PERMIT**

**WASTE INDUSTRIES INC.**

is hereby issued a permit to CONSTRUCT PHASE 1, CELLS 1 thru 5 for a

**LAND CLEARING AND INERT DEBRIS LANDFILL**

located at 148 Stone Park Court in the Durham District Campus of Waste Industries, in Durham, 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 permit application and the site drawings.

  
James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

PERMIT NUMBER: 32-J  
PERMIT ISSUED: April 16, 1999  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING & INERT DEBRIS LANDFILL

CONDITIONS OF PERMIT

1. This permit is issued for a period not to exceed the time frame addressed in the temporary use planning/building permit issued by Durham County that expires on 18 June 2003. Once a renewed temporary use permit is issued; then the Solid Waste Section will consider for renewal of the LCID permit based on past compliance history and rules in effect at that time. This permit is for the construction the landfill(PHASE ONE, CELLS 1 THRU 5) 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. Please send the recorded permit copy to:

SOLID WASTE SECTION  
225 GREEN STREET; SUITE 601  
FAYETTEVILLE, NORTH CAROLINA 28301  
ATTN: JIM BARBER

4. When this property is sold, leased, conveyed, or transferred, the deed or other instrument of transfer shall contain in the deed description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a land clearing and inert debris landfill.
5. This facility is permitted to receive land clearing waste, yard trash, untreated and unpainted wood, and inert debris such as rock, non-painted brick, non-painted concrete, non-painted 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 in accordance with the approved plans and consistent with drawing PP-1 of 8.

PERMIT NUMBER: 32-J  
DATE ISSUED: April 16, 1999  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING AND INERT DEBRIS LANDFILL

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.
  - b. A sign shall be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements, 15A NCAC 13B .0566 (16).
  - c. Construction of PHASE ONE, CELLS 1 THRU 5 shall be in accordance with plan sheet PP-1 of 8 and consistent with permit application prepared by Sungate Design Group. Certification by the design engineer that the facility has been constructed in accordance with the approved plans shall be submitted for the Permit to Operate.
  - d. Installation of a methane monitoring well at the fence line of the 12" sanitary sewer line that crosses the site and the property line. The well shall be located at the western end of the 12" sewer line near the property line for detection of methane gas migration along the pipe line/gravel bedding material used in constructing the sewer line.
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.

BOOK 2280 PAGE 201

BOOK 2649 PAGE 253

FILED  
BOOK ~~2280~~ PAGE ~~201-203~~

'97 FEB 4 PM 4 45

DURHAM COUNTY

FEB 4 1997

[REDACTED] AMOUNT

112.00



Real Estate  
Excise Tax

WILLIE L. COVINGTON  
REGISTER OF DEEDS  
DURHAM COUNTY, N.C.

Excise Tax 112.<sup>00</sup>

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. 641-02-051

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to ~~XXXXXXXX~~ Wyrick, Robbins, Yates & Ponton L.L.P., Post Office Drawer 17803  
Raleigh, North Carolina 27619 (Attn: JJJ)

This instrument was prepared by WYRICK, ROBBINS, YATES & PONTON L.L.P.

Brief description for the Index Tract 2, Stone Road Industrial Park

# NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 18 day of December, 1996, by and between

GRANTOR

GRANTEE

CHEROKEE SANFORD, INC., formerly known as  
CHEROKEE SANFORD GROUP, INC.,  
a North Carolina corporation

WASTE INDUSTRIES, INC.  
a North Carolina corporation  
  
P.O. Box 20366  
Raleigh, North Carolina 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 [REDACTED] lot or parcel of land situated in the City of ..... Oak Grove Township, Durham County, North Carolina and more particularly described as follows:

6  
see attached Exhibit A  
for a more particular description

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

Deed Book 269, Page 546, Durham County Registry (Borden Brick and Tile Company)

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

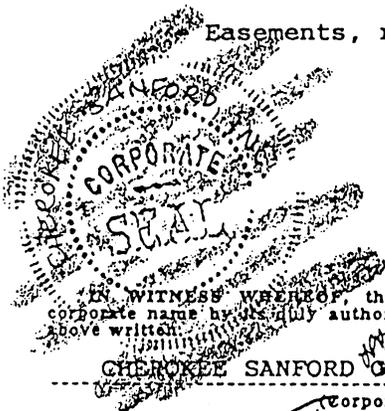
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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:

- 1997 ad valorem taxes

Easements, restrictions, and rights-of-way of record, if any.



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.

CHEROKEE SANFORD GROUP, INC.

(Corporate Name)

By: *John M. Cowan*

Chairman of the ~~XXXXXX~~ Board of Directors

ATTEST: *John M. Cowan*

Secretary (Corporate Seal)

USE BLACK INK ONLY

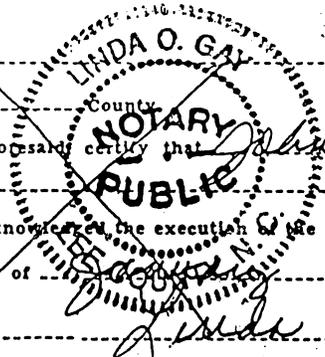
SEAL-STAMP

NORTH CAROLINA, *Lee* County

I, a Notary Public of the County and State aforesaid, certify that *John M. Cowan* Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this *31* day of *February*, 19 *97*

My commission expires: *4-11-2000* *Linda O. Gay* Notary I



SEAL-STAMP

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

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_

personally came before me this day and acknowledged that \_\_\_\_\_ he is \_\_\_\_\_ Secretary of Cherokee Sanford Group, 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 Chairman of

~~XXXXXX~~, sealed with its corporate seal and attested by \_\_\_\_\_ as its \_\_\_\_\_ Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Board of Directors

EXHIBIT A

BEGINNING at an existing railroad iron located in the southwestern corner of the property herein described, said iron being the northwestern corner of the property owned now or formerly by Leonard B. Shaffer (Tax Parcel 641-50; Deed Book 1212, Page 48, Durham County Registry "DCR") said iron also being located in the eastern boundary line of the property owned now or formerly by Kathleen M. Rigsbee (Tax Parcel 641-2A; Deed Book 115, Page 539, DCR); thence running along and with said eastern Rigsbee boundary North 03° 24' 22" East 365.13 feet to a point; thence continuing with said eastern Rigsbee boundary North 56° 08' 27" West 96.08 feet to a point; thence running a traverse line across the centerline of a creek (centerline of creek is actual property line) the following courses and distances: North 02° 03' 28" West 75.02 feet to a point; North 59° 40' 07" East 76.66 feet to a point; North 83° 13' 51" East 133.12 feet to a point; North 39° 46' 13" East 86.88 feet to a point; South 88° 50' 02" East 87.75 feet to a point; North 13° 54' 37" East 100.23 feet to a point; North 80° 21' 57" East 83.59 feet to a point; North 50° 30' 37" East 115.83 feet to a point; North 55° 08' 55" East 106.54 feet to a point; North 64° 46' 03" East 178.35 feet to a point; North 71° 28' 51" East 177.60 feet to a point; North 38° 55' 33" East 97.31 feet to a point; North 69° 33' 30" East 108.09 feet to a point; and North 58° 47' 02" East 171.05 feet to an angle iron; thence leaving said angle iron and running South 86° 02' 20" East 1581.17 feet along and with the southern boundary of property owned now or formerly by Joven Five Group (Tax Parcel 639-10; Deed Book 1278, Page 668, DCR) to a point; thence leaving said Joven line and running South 06° 37' 36" West 489.19 feet to a point in the northern margin of the right-of-way of the proposed Stone Park Court; thence running along and with the said right-of-way the following courses and distances: North 80° 04' 57" West 197.97 feet; thence in a curve to the left having a radius of 430.00 feet and an arc length of 247.53 feet and a chord bearing and distance of South 83° 25' 35" West 244.13 feet; thence South 66° 56' 06" West 180.44 feet; thence in a curve to the right having a radius of 670.00 feet, an arc length of 354.40 feet and a chord bearing and distance of South 82° 05' 19" West 350.29 feet; thence in a curve to the right having a radius of 25.00 feet, an arc length of 21.42 feet and a chord bearing and distance of North 58° 12' 36" West 20.77 feet; thence in a curve to the left having a radius of 55 feet, an arc length of 134.90 feet, and a chord bearing and distance of South 76° 04' 22" West 103.54 feet to a point; thence leaving the right-of-way of Stone Park Court and running North 77° 38' 22" West 267.69 feet to a point in southeastern boundary of the existing 50' Public Service Gas company easement; thence running along with said easement South 48° 15' 27" West 653.44 feet to a point; thence continuing with said easement South 48° 06' 06" West 223.37 feet to a point in the northern property line of

Leonard B. Shaffer; thence running with the Shaffer property line North 85° 30' 00" West 513.80 feet to the POINT AND PLACE OF BEGINNING, containing 37.197 acres and being all of Tract 2, Oak Grove Township, Durham County, according to survey by Harold "Todd" Smith entitled "Stone Road Industrial Park Phase One," dated June 27, 1996 and recorded in Plat Book 137, Page 48, Durham County Registry.

25/10/96  
H

WOMBLE  
CARLYLE  
SANDRIDGE  
& RICE  
A PROFESSIONAL LIMITED  
LIABILITY COMPANY

Suite 300, 2505 Meridian Parkway  
Durham, NC 27713

Mailing Address:  
Post Office Box 13069  
Research Triangle Park, NC 27709  
Telephone: (919) 484-2300  
Fax: (919) 484-2340  
Web site: www.wcsr.com

CF  
FACILITY  
DURHAM  
32-J

William J. Brian, Jr.  
Direct Dial: (919) 484-2321  
Direct Fax: (919) 484-2363  
E-mail: BBrian@wcsr.com

May 20, 1999

Mr. James C. Coffey  
Supervisor, Permitting Branch  
N.C. Dept. of Environment and  
Natural Resources  
Solid Waste Section  
401 Oberlin Road, Suite 150  
Raleigh, NC 27605

RE: *Waste Industries: Durham District - Stone Park Court Land Clearing and  
Inert Debris Landfill: Phase III*

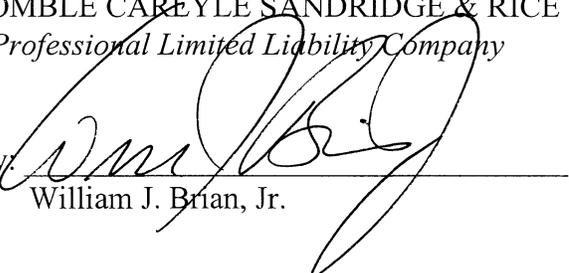
Dear Mr. Coffey:

In accordance with Condition No. 3 of Solid Waste Permit #32-J, for the above-referenced project, enclosed please find a copy of the permit as recorded in the Office of the Durham County Register of Deeds.

If you have any questions or if there is anything else that we need to do to comply with the conditions of this permit, we trust you will contact us.

Very truly yours,

WOMBLE CARLYLE SANDRIDGE & RICE  
*A Professional Limited Liability Company*

By:   
William J. Brian, Jr.

WJBjr/lad  
Enclosure

cc: Jim Barber

Attr to  
Solid Waste Section  
225 Green St - Ste 601  
Fayetteville NC 28301  
Attr Jim Bauber

CF

FILED  
BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

BOOK **2649** PAGE **249**

99 MAY 20 PM 3 33

**CERTIFIED COPY OF SOLID WASTE PERMIT** WILLIE L. COVINGTON  
REGISTER OF DEEDS  
DURHAM COUNTY, N.C.

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

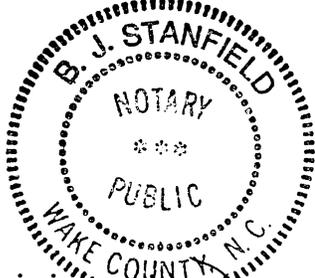
*James C Coffey*  
James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

North Carolina

Wake County

I, B. J. STANFIELD, 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 16 day of April, 1999.



*B. J. Stanfield*  
Notary Public

My commission expires December 29, 99.

*JLD*

BOOK 2649 PAGE 250

PERMIT # 32-J

Dated Issued: April 16, 1999

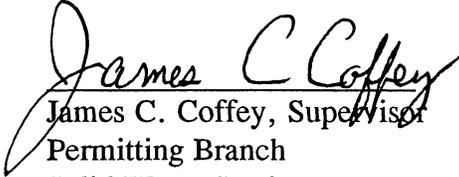
**SOLID WASTE PERMIT**

**WASTE INDUSTRIES INC.**

is hereby issued a permit to CONSTRUCT PHASE 1, CELLS 1 thru 5 for a

**LAND CLEARING AND INERT DEBRIS LANDFILL**

located at 148 Stone Park Court in the Durham District Campus of Waste Industries, in Durham, 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 permit application and the site drawings.

  
James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

PERMIT NUMBER: 32-J  
PERMIT ISSUED: April 16, 1999  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING & INERT DEBRIS LANDFILL

CONDITIONS OF PERMIT

1. This permit is issued for a period not to exceed the time frame addressed in the temporary use planning/building permit issued by Durham County that expires on 18 June 2003. Once a renewed temporary use permit is issued; then the Solid Waste Section will consider for renewal of the LCID permit based on past compliance history and rules in effect at that time. This permit is for the construction the landfill(PHASE ONE, CELLS 1 THRU 5) 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. Please send the recorded permit copy to:

SOLID WASTE SECTION  
225 GREEN STREET; SUITE 601  
FAYETTEVILLE, NORTH CAROLINA 28301  
ATTN: JIM BARBER

4. When this property is sold, leased, conveyed, or transferred, the deed or other instrument of transfer shall contain in the deed description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a land clearing and inert debris landfill.
5. This facility is permitted to receive land clearing waste, yard trash, untreated and unpainted wood, and inert debris such as rock, non-painted brick, non-painted concrete, non-painted 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 in accordance with the approved plans and consistent with drawing PP-1 of 8.

PERMIT NUMBER: 32-J  
DATE ISSUED: April 16, 1999  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING AND INERT DEBRIS LANDFILL

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.
  - b. A sign shall be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements, 15A NCAC 13B .0566 (16).
  - c. Construction of PHASE ONE, CELLS 1 THRU 5 shall be in accordance with plan sheet PP-1 of 8 and consistent with permit application prepared by Sungate Design Group. Certification by the design engineer that the facility has been constructed in accordance with the approved plans shall be submitted for the Permit to Operate.
  - d. Installation of a methane monitoring well at the fence line of the 12" sanitary sewer line that crosses the site and the property line. The well shall be located at the western end of the 12" sewer line near the property line for detection of methane gas migration along the pipe line/gravel bedding material used in constructing the sewer line.
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.

BOOK 2280 PAGE 201

BOOK 2649 PAGE 253

FILED

BOOK 2280 PAGE 201-203

DURHAM COUNTY

FEB 4 1997

'97 FEB 4 PM 4 45

AMOUNT 112.00

112.00

WILLIE L. COVINGTON  
REGISTER OF DEEDS  
DURHAM COUNTY, N.C.



Real Estate  
Excise Tax

Excise Tax 112.00

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No. 641-02-051

Verified by County on the day of 19

fail after recording to ~~XXXXXX~~ Wyrick, Robbins, Yates & Ponton L.L.P., Post Office Drawer 17803  
Raleigh, North Carolina 27619 (Attn: JJJ)

this instrument was prepared by WYRICK, ROBBINS, YATES & PONTON L.L.P.

rief description for the Index Tract 2, Stone Road Industrial Park

# NORTH CAROLINA GENERAL WARRANTY DEED

HIS DEED made this 18 day of December, 1996, by and between

GRANTOR

GRANTEE

CHEROKEE SANFORD, INC., formerly known as  
CHEROKEE SANFORD GROUP, INC.,  
a North Carolina corporation

WASTE INDUSTRIES, INC.  
a North Carolina corporation

P.O. Box 20366  
Raleigh, North Carolina 27619

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

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

TNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby  
nowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that

lot or parcel of land situated in the City of Oak Grove Township,  
Durham County, North Carolina and more particularly described as follows:

see attached Exhibit A  
for a more particular description

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

Deed Book 269, Page 546, Durham County Registry (Borden Brick and Tile Company)

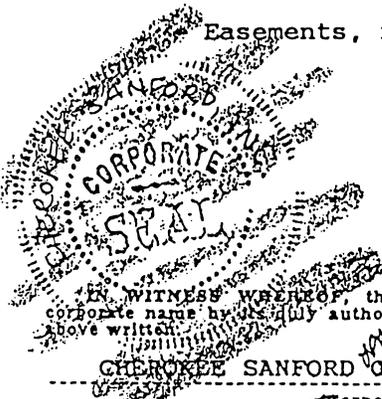
A map showing the above described property is recorded in Plat Book ..... page.....

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:

- 1997 ad valorem taxes

Easements, restrictions, and rights-of-way of record, if any.



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

CHEROKEE SANFORD GROUP, INC.

(Corporate Name)

By: *Tom M. Corcoran*

Chairman of the Board of Directors

ATTEST: *Tom M. Corcoran*

Secretary (Corporate Seal)

USE BLACK INK ONLY

.....(SEAL)

.....(SEAL)

.....(SEAL)

.....(SEAL)

SEAL-STAMP

NORTH CAROLINA, *Lee*

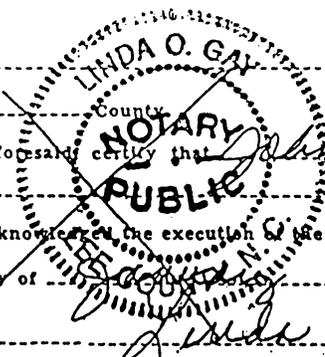
Use Black Ink

I, a Notary Public of the County and State aforesaid, certify that *Tom M. Corcoran*

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my

hand and official stamp or seal, this *31* day of *February*, 19*99*

My commission expires: *4-11-2000*



SEAL-STAMP

NORTH CAROLINA, ..... County.

I, a Notary Public of the County and State aforesaid, certify that .....

personally came before me this day and acknowledged that ... he is ..... Secretary of

*Cherokee Sanford Group, 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 *Chairman of*

~~XXXXXX~~, sealed with its corporate seal and attested by ..... as its ..... Secretary.

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

Board of Directors

EXHIBIT A

BEGINNING at an existing railroad iron located in the southwestern corner of the property herein described, said iron being the northwestern corner of the property owned now or formerly by Leonard B. Shaffer (Tax Parcel 641-50; Deed Book 1212, Page 48, Durham County Registry "DCR") said iron also being located in the eastern boundary line of the property owned now or formerly by Kathleen M. Rigsbee (Tax Parcel 641-2A; Deed Book 115, Page 539, DCR); thence running along and with said eastern Rigsbee boundary North 03° 24' 22" East 365.13 feet to a point; thence continuing with said eastern Rigsbee boundary North 56° 08' 27" West 96.08 feet to a point; thence running a traverse line across the centerline of a creek (centerline of creek is actual property line) the following courses and distances: North 02° 03' 28" West 75.02 feet to a point; North 59° 40' 07" East 76.66 feet to a point; North 83° 13' 51" East 133.12 feet to a point; North 39° 46' 13" East 86.88 feet to a point; South 88° 50' 02" East 87.75 feet to a point; North 13° 54' 37" East 100.23 feet to a point; North 80° 21' 57" East 83.59 feet to a point; North 50° 30' 37" East 115.83 feet to a point; North 55° 08' 55" East 106.54 feet to a point; North 64° 46' 03" East 178.35 feet to a point; North 71° 28' 51" East 177.60 feet to a point; North 38° 55' 33" East 97.31 feet to a point; North 69° 33' 30" East 108.09 feet to a point; and North 58° 47' 02" East 171.05 feet to an angle iron; thence leaving said angle iron and running South 86° 02' 20" East 1581.17 feet along and with the southern boundary of property owned now or formerly by Joven Five Group (Tax Parcel 639-10; Deed Book 1278, Page 668, DCR) to a point; thence leaving said Joven line and running South 06° 37' 36" West 489.19 feet to a point in the northern margin of the right-of-way of the proposed Stone Park Court; thence running along and with the said right-of-way the following courses and distances: North 80° 04' 57" West 197.97 feet; thence in a curve to the left having a radius of 430.00 feet and an arc length of 247.53 feet and a chord bearing and distance of South 83° 25' 35" West 244.13 feet; thence South 66° 56' 06" West 180.44 feet; thence in a curve to the right having a radius of 670.00 feet, an arc length of 354.40 feet and a chord bearing and distance of South 82° 05' 19" West 350.29 feet; thence in a curve to the right having a radius of 25.00 feet, an arc length of 21.42 feet and a chord bearing and distance of North 58° 12' 36" West 20.77 feet; thence in a curve to the left having a radius of 55 feet, an arc length of 134.90 feet, and a chord bearing and distance of South 76° 04' 22" West 103.54 feet to a point; thence leaving the right-of-way of Stone Park Court and running North 77° 38' 22" West 267.69 feet to a point in southeastern boundary of the existing 50' Public Service Gas company easement; thence running along with said easement South 48° 15' 27" West 653.44 feet to a point; thence continuing with said easement South 48° 06' 06" West 223.37 feet to a point in the northern property line of

Leonard B. Shaffer; thence running with the Shaffer property line North 85° 30' 00" West 513.80 feet to the POINT AND PLACE OF BEGINNING, containing 37.197 acres and being all of Tract 2, Oak Grove Township, Durham County, according to survey by Harold "Todd" Smith entitled "Stone Road Industrial Park Phase One," dated June 27, 1996 and recorded in Plat Book 137, Page 48, Durham County Registry.

255  
#227

ATTACHMENTS

1. Approved site plan dated 10 February 1999, received on 10 February 1999.
2. Approved permit application dated 10 February 1999, received 10 February 1999.
3. Temporary Use Permit dated 29 October 1998 from Durham County.
4. Letter of Zoning Approval dated 22 February 1999 from Durham County, received 23 February 1999.
5. Letter of Sedimentation and Erosion Control Approval from Durham County dated April 1999.
6. Response from Durham County to Nancy Scott addressing temporary use permit and zoning letter dated 13 April 1999.
7. Certification letter from design engineer addressing pre-operational issues dealing with construction requirements dated XX XXXXX 1999.

NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WASTE MANAGEMENT

April 16, 1999



JAMES B. HUNT JR.  
GOVERNOR

WAYNE McDEVITT  
SECRETARY

WILLIAM L. MEYER  
DIRECTOR

Mr. Ven Poole, Vice- President  
Support Sevices  
Waste Industries, Inc.  
3949 Browning Place  
Raleigh, North Carolina 27609

Subject: Waste Industries: Durham District- Stone Park Court Land Clearing and  
Inert Debris Landfill; Phase III  
Durham, Durham County, North Carolina  
Permit #32-J

Dear Mr. Poole:

Enclosed please find a Solid Waste Permit, Conditions of the Solid Waste Permit, and a Certified Copy of the Solid Waste Permit for the above referenced Land Clearing & Inert Debris(LCID)landfill. This is a PERMIT TO CONSTRUCT for Phase ONE, Cells 1 thru 5 as shown on sheet PP-1 of 8 in the approved plans.

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 and that outlines the pre-operative conditions that need to be met prior to operation. Please contact Robert Hearn, Environmental Technician, when you are ready to schedule a meeting. Mr. 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

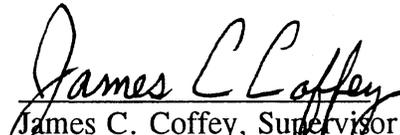
Eastern Area Engineer  
Solid Waste Section

cc: Jim Coffey Terry Dover  
Robert Hearn

✓ Raleigh Central File: Permit # 32-J; Durham County

**CERTIFIED COPY OF SOLID WASTE PERMIT**

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

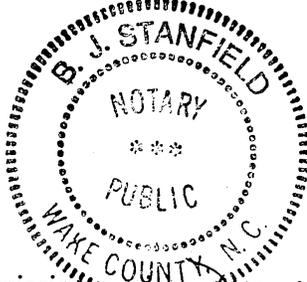
  
James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

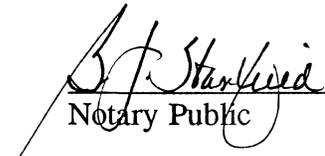
North Carolina

Wake County

I, B. J. Stanfield, 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 16 day of April, 1999.



  
Notary Public

My commission expires DECEMBER 29, 99.

**PERMIT # 32-J**

Dated Issued: April 16, 1999

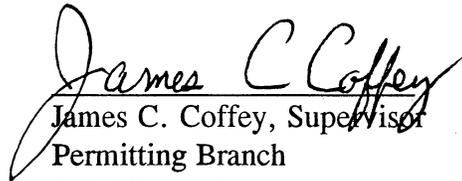
**SOLID WASTE PERMIT**

**WASTE INDUSTRIES INC.**

is hereby issued a permit to CONSTRUCT PHASE 1, CELLS 1 thru 5 for a

**LAND CLEARING AND INERT DEBRIS LANDFILL**

located at 148 Stone Park Court in the Durham District Campus of Waste Industries, in Durham, 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 permit application and the site drawings.

  
James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

PERMIT NUMBER: 32-J  
PERMIT ISSUED: April 16, 1999  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING & INERT DEBRIS LANDFILL

CONDITIONS OF PERMIT

1. This permit is issued for a period not to exceed the time frame addressed in the temporary use planning/building permit issued by Durham County that expires on 18 June 2003. Once a renewed temporary use permit is issued; then the Solid Waste Section will consider for renewal of the LCID permit based on past compliance history and rules in effect at that time. This permit is for the construction the landfill(PHASE ONE, CELLS 1 THRU 5) 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. Please send the recorded permit copy to:

SOLID WASTE SECTION  
225 GREEN STREET; SUITE 601  
FAYETTEVILLE, NORTH CAROLINA 28301  
ATTN: JIM BARBER

4. When this property is sold, leased, conveyed, or transferred, the deed or other instrument of transfer shall contain in the deed description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a land clearing and inert debris landfill.
5. This facility is permitted to receive land clearing waste, yard trash, untreated and unpainted wood, and inert debris such as rock, non-painted brick, non-painted concrete, non-painted 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 in accordance with the approved plans and consistent with drawing PP-1 of 8.

PERMIT NUMBER: 32-J  
DATE ISSUED: April 16, 1999  
FACILITY NAME: WASTE INDUSTRIES - STONE PARK COURT LAND  
CLEARING AND INERT DEBRIS LANDFILL

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.
  - b. A sign shall be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements, 15A NCAC 13B .0566 (16).
  - c. Construction of PHASE ONE, CELLS 1 THRU 5 shall be in accordance with plan sheet PP-1 of 8 and consistent with permit application prepared by Sungate Design Group. Certification by the design engineer that the facility has been constructed in accordance with the approved plans shall be submitted for the Permit to Operate.
  - d. Installation of a methane monitoring well at the fence line of the 12" sanitary sewer line that crosses the site and the property line. The well shall be located at the western end of the 12" sewer line near the property line for detection of methane gas migration along the pipe line/gravel bedding material used in constructing the sewer line.
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.

DURHAM COUNTY

FEB 4 1997

'97 FEB 4 PM 4 45

WILLIE L. COVINGTON  
REGISTER OF DEEDS  
DURHAM COUNTY, N.C.

[REDACTED] UNT 112.00

112.00



Real Estate  
Excise Tax

Excise Tax 112.<sup>00</sup>

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. 641-02-051  
Verified by ..... County on the ..... day of ....., 19.....  
by .....

Mail after recording to ~~XXXXXXXX~~ Wyrick, Robbins, Yates & Ponton L.L.P., Post Office Drawer 17803  
Raleigh, North Carolina 27619 (Attn: JJJ)

This instrument was prepared by WYRICK, ROBBINS, YATES & PONTON L.L.P.

Brief description for the Index Tract 2, Stone Road Industrial Park

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 18 day of December, 1996, by and between

GRANTOR

GRANTEE

CHEROKEE SANFORD, INC., formerly known as  
CHEROKEE SANFORD GROUP, INC.,  
a North Carolina corporation

WASTE INDUSTRIES, INC.  
a North Carolina corporation  
  
P.O. Box 20366  
Raleigh, North Carolina 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 [REDACTED] lot or parcel of land situated in the City of ..... Oak Grove ..... Township, Durham County, North Carolina and more particularly described as follows:

see attached Exhibit A  
for a more particular description

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

Deed Book 269, Page 546, Durham County Registry (Borden Brick and Tile Company)

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:

- 1997 ad valorem taxes

Easements, restrictions, and rights-of-way of record, if any.



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.

CHEROKEE SANFORD GROUP, INC.

(Corporate Name)

By: *Tom M. Cowan*

Chairman of the Board of Directors

ATTEST: *Tom M. Cowan*

Secretary (Corporate Seal)

USE BLACK INK ONLY

..... (SEAL)  
..... (SEAL)  
..... (SEAL)  
..... (SEAL)

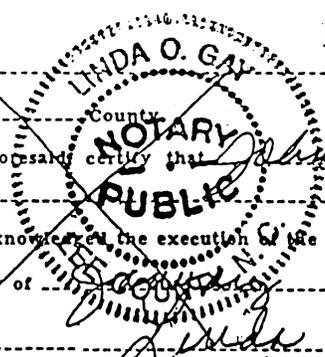
SEAL-STAMP

NORTH CAROLINA, *Lee* County

I, a Notary Public of the County and State aforesaid, certify that *Tom M. Cowan* Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this *31* day of *December*, 19 *97*

My commission expires: *4-11-2000* *Linda O. Gray* Notary Public



SEAL-STAMP

NORTH CAROLINA, ..... County.

I, a Notary Public of the County and State aforesaid, certify that .....

personally came before me this day and acknowledged that *Tom M. Cowan* he is ..... Secretary of Cherokee Sanford Group, 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 *Chairman of Board of Directors* ~~President~~, sealed with its corporate seal and attested by ..... as its ..... Secretary.

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

## EXHIBIT A

BEGINNING at an existing railroad iron located in the southwestern corner of the property herein described, said iron being the northwestern corner of the property owned now or formerly by Leonard B. Shaffer (Tax Parcel 641-50; Deed Book 1212, Page 48, Durham County Registry "DCR") said iron also being located in the eastern boundary line of the property owned now or formerly by Kathleen M. Rigsbee (Tax Parcel 641-2A; Deed Book 115, Page 539, DCR); thence running along and with said eastern Rigsbee boundary North 03° 24' 22" East 365.13 feet to a point; thence continuing with said eastern Rigsbee boundary North 56° 08' 27" West 96.08 feet to a point; thence running a traverse line across the centerline of a creek (centerline of creek is actual property line) the following courses and distances: North 02° 03' 28" West 75.02 feet to a point; North 59° 40' 07" East 76.66 feet to a point; North 83° 13' 51" East 133.12 feet to a point; North 39° 46' 13" East 86.88 feet to a point; South 88° 50' 02" East 87.75 feet to a point; North 13° 54' 37" East 100.23 feet to a point; North 80° 21' 57" East 83.59 feet to a point; North 50° 30' 37" East 115.83 feet to a point; North 55° 08' 55" East 106.54 feet to a point; North 64° 46' 03" East 178.35 feet to a point; North 71° 28' 51" East 177.60 feet to a point; North 38° 55' 33" East 97.31 feet to a point; North 69° 33' 30" East 108.09 feet to a point; and North 58° 47' 02" East 171.05 feet to an angle iron; thence leaving said angle iron and running South 86° 02' 20" East 1581.17 feet along and with the southern boundary of property owned now or formerly by Joven Five Group (Tax Parcel 639-10; Deed Book 1278, Page 668, DCR) to a point; thence leaving said Joven line and running South 06° 37' 36" West 489.19 feet to a point in the northern margin of the right-of-way of the proposed Stone Park Court; thence running along and with the said right-of-way the following courses and distances: North 80° 04' 57" West 197.97 feet; thence in a curve to the left having a radius of 430.00 feet and an arc length of 247.53 feet and a chord bearing and distance of South 83° 25' 35" West 244.13 feet; thence South 66° 56' 06" West 180.44 feet; thence in a curve to the right having a radius of 670.00 feet, an arc length of 354.40 feet and a chord bearing and distance of South 82° 05' 19" West 350.29 feet; thence in a curve to the right having a radius of 25.00 feet, an arc length of 21.42 feet and a chord bearing and distance of North 58° 12' 36" West 20.77 feet; thence in a curve to the left having a radius of 55 feet, an arc length of 134.90 feet, and a chord bearing and distance of South 76° 04' 22" West 103.54 feet to a point; thence leaving the right-of-way of Stone Park Court and running North 77° 38' 22" West 267.69 feet to a point in southeastern boundary of the existing 50' Public Service Gas company easement; thence running along with said easement South 48° 15' 27" West 653.44 feet to a point; thence continuing with said easement South 48° 06' 06" West 223.37 feet to a point in the northern property line of

Leonard B. Shaffer; thence running with the Shaffer property line North 85° 30' 00" West 513.80 feet to the POINT AND PLACE OF BEGINNING, containing 37.197 acres and being all of Tract 2, Oak Grove Township, Durham County, according to survey by Harold "Todd" Smith entitled "Stone Road Industrial Park Phase One," dated June 27, 1996 and recorded in Plat Book 137, Page 48, Durham County Registry.

18-203

## ATTACHMENTS

1. Approved site plan dated 10 February 1999, received on 10 February 1999.
2. Approved permit application dated 10 February 1999, received 10 February 1999.
3. Temporary Use Permit dated 29 October 1998 from Durham County.
4. Letter of Zoning Approval dated 22 February 1999 from Durham County, received 23 February 1999.
5. Letter of Sedimentation and Erosion Control Approval from Durham County dated April 1999.
6. Response from Durham County to Nancy Scott addressing temporary use permit and zoning letter dated 13 April 1999.
7. Certification letter from design engineer addressing pre-operational issues dealing with construction requirements dated XX XXXXX 1999.





**NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**  
DIVISION OF WASTE MANAGEMENT



April 7, 1999

**JAMES B. HUNT JR.**  
GOVERNOR

Mr. Ven Poole, Vice- President  
Support Sevices  
Waste Industries, Inc.  
3949 Browning Place  
Raleigh, North Carolina 27609

**WAYNE MCDEVITT**  
SECRETARY

Subject: Waste Industries: Durham District- Stone Park Court Land Clearing and Inert Debris Landfill; Phase III  
Durham, Durham County, North Carolina  
Permit #32-J

**WILLIAM L. MEYER**  
DIRECTOR

Dear Mr. Poole:

Enclosed please find a Solid Waste Permit, Conditions of the Solid Waste Permit, and a Certified Copy of the Solid Waste Permit for the above referenced Land Clearing & Inert Debris(LCID)landfill. This is a PERMIT TO CONSTRUCT for Phase ONE, Cells 1 thru 5 as shown on sheet PP-1 of 8 in the approved plans.

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 and that outlines the pre-operative conditions that need to be met prior to operation. Please contact Robert Hearn, Environmental Technician, when you are ready to schedule a meeting. Mr. 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*  
Jim Barber  
Eastern Area Engineer  
Solid Waste Section

cc: Jim Coffey Terry Dover  
Robert Hearn  
Raleigh Central File: Permit # 32-J; Durham County

*in letter*  
*6/18/2003*  
*Terry. Hearn permit*  
*copy*

TO: Lowell S. Lee

FAX NO: 1117-2-1111

FROM: \_\_\_\_\_ Judith Robb Bullock, Special Deputy Attorney General  
 \_\_\_\_\_ Lauren Murphy Clemmons, Assistant Attorney General  
 \_\_\_\_\_ W. Wallace Finlator, Jr., Assistant Attorney General  
 \_\_\_\_\_ Robert R. Gelblum, Assistant Attorney General  
 \_\_\_\_\_ Jennifer May-Parker, Assistant Attorney General  
 \_\_\_\_\_ William R. Miller, Assistant Attorney General  
 \_\_\_\_\_ Jay L. Osborne, Assistant Attorney General  
 ✓ \_\_\_\_\_ Nancy E. Scott, Assistant Attorney General  
 \_\_\_\_\_ Kathleen M. Waylett, Assistant Attorney General

PHONE NO: (919) 716-6600  
 FAX NO: (919) 716-6939

P.O. BOX 629  
 Raleigh, N.C. 27602-0629  
 114 West Edenton Street

SUBJECT: WASTE Industries LCID

NO. OF PAGES INCLUDING TRANSMITTAL SHEET 2

COMMENTS: ~~Does the "temporary use permit" constitute local zoning approval?~~  
 Thanks!  
 Additional page: letter from Donald Clark from the Inspections Dept

CONFIDENTIALITY NOTE: The information contained in this facsimile is legally privileged and confidential and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this information is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original message to us at the address above by U.S. postal service. Thank you.  
 wp\28361

Response: Yes, w/letter from Clark - 2/22/99 - Permit limited to duration of temporary use permit, through 6/18/2003  
 Telephone response received 4/12/99 from Helen Yongblood of Durham City/County Planning Dept. NES 4/13/99

Telephone Number	89195600719
Mode	NORMAL
Start	3:13:28
Time	0:48"
Pages	2
Result	*OK
Note	

Mar 3 '99 13:29

\*\* Transmit Conf. Report \*\*

# SUNGATE DESIGN GROUP

915-A JONES FRANKLIN ROAD  
RALEIGH, NORTH CAROLINA 27606  
(919) 859-2243

FAX: (919) 859-6258

TO: JIM BARBER DATE: 4.1.99

FROM: FRANK BRAXTON FAX #: \_\_\_\_\_

NO. OF PAGES: 2 TIME: \_\_\_\_\_  
(INCLUDING COVER SHEET)

COMMENTS:

RE: WASTE INV. LC10. SEE PERMIT

Yes !! and its not an April Fools Joke!

Thanks  
for your help!

Frank

- URGENT
- PLEASE ACKNOWLEDGE RECEIPT
- PLEASE CALL ME
- PLEASE FORWARD TO: \_\_\_\_\_
- PLEASE NOTIFY: \_\_\_\_\_

**COUNTY OF DURHAM**  
SEDIMENTATION AND EROSION CONTROL  
March 30, 1999

**LETTER OF  
APPROVAL**

Waste Industries, Inc.  
3949 Browning  
Raleigh, NC 27609

Dear Mr. Poole:

**PROJECT NAME: Waste Industries LCID Landfill**  
**JOB NUMBER: 2457-15**  
**SUBMITTED BY: Sungate Design Group, P.A.**  
**DATE: 03-08-99**  
**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 attached and is incorporated as a part of this letter of approval.

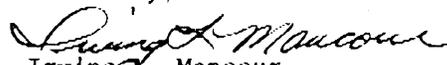
Please be advised that a copy of the approved plan must be on file at the job site, and a land disturbing permit must be obtained and prominently displayed. Pursuant to G.S. 113A-61(d) and Section 14-68 of the Sedimentation and Erosion Control Ordinance, you are hereby notified that the Sedimentation and Erosion Control Office has the right to inspect the site over the life of the project to insure compliance with the approved plan and ordinance.

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 preconstruction 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 preconstruction conference so that we may try to attend.

We look forward to working with you on this project.

Sincerely,

  
Irving L. Mancour  
Erosion Control Officer

⊖ SOLID WASTE SLURRY TREATMENT PERMIT APPLICANT COMPLIANCE REVIEW ⊖

Instructions: Complete upper portion and submit this form to the Field Operations Branch Compliance Officer.

Review Requested by: JIM BARBER Date Requested: 3/9/99

Type of Permit: LCID LADEFILL Check One: New Permit  Renewal

Applicant Contact and Business Name: WASTE INDUSTRIES, INC.

Parent Company/Known Subsidiaries/Other known names business has operated under:  
SAME

Known Counties of Operation: EASTERN H.C.

Does the applicant have a past or current solid waste permit? Yes  No

If yes, write facility type: TRANSFER STA., and permit #: MULTIPLE.

P0581 (92-17) - P0750 (98-06T) - P0505 (92-16) - P0843 (91-02T) P0776  
To be completed by Compliance Officer and returned to Permitting or Composting & Land Application Branch staff.

1. The applicant's compliance history for the past three years was reviewed on 3.19.99.  
2. The applicant has an outstanding compliance order with administrative penalty.  
Yes  If yes, describe unresolved issue(s): \_\_\_\_\_  
\_\_\_\_\_

No

3. The applicant has been issued two or more compliance orders in the past three years.  
Yes  If yes, describe nature of the violation(s): \_\_\_\_\_  
\_\_\_\_\_

No

4. Permit denial based on the applicant's compliance history is recommended.  
Yes  Remarks: \_\_\_\_\_  
\_\_\_\_\_

No

3/19/99  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Compliance Officer



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

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

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

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

- (1) Facilities or practices, shall not be located in the 100-year floodplain. SEE SHEET G-1
- (2) Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife. (LTR. DATED 9/15/98)
- (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. DISPOSAL AREA BUFFER CLEARING AS PART OF MINING OPERATION
- (4) Facilities or practices shall not damage or destroy an archaeological or historical site. LTR. DATED 9/23/98
- (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. LTR. DATED 9/15/98
- (6) Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b). SEE LTR. DATED. 11/3/98 AND PLAN SHEET MP1
- (7) It must be shown that adequate suitable soils are available for cover, either from on or off site. APPLIC. NARRATIVE (COMPLIANCE REPORT SECTION & OPERATIONAL NARRATIVE)
- (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

*SOLE APPROVAL OF BASINS*

- 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.
- 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. *SHEET MP-1*
  - (b) 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells. ~~*SHEET MP-1*~~
  - (c) Buffer requirements may be adjusted as necessary to insure adequate protection of public health and the environment.
- (10) The facility shall meet all requirements of any applicable zoning ordinance.

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

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

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

- (1) The following information is required in order to review and approve the siting of a Land Clearing and Inert Debris (LCID) landfill:
  - (a) An approval letter from the unit of local government having zoning authority over the area where the facility is to be located stating that the site meets all of the requirements of the local zoning ordinance, or that the site is not zoned.
  - (b) Location on a county road map. *COUNTY SHEET*
  - (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 *SHEET AP-1* 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 of this Section. *APPL. NARRATIVE*.
  - (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. *APPL. 442A*.
  - (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. *SHEET G-1*
- (d) Wetland boundaries, if any. *CORP LTR.*
- (e) Historical or archaeological sites, if any. *UCVE*
- (f) Park, scenic, or recreation area boundaries, if any. *UCVE*
- (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. *SHEET MP-1 + COVER SHEET*
- (b) Easements and right-of-ways. *SHEET MP-1*
- (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. *SHEET MP-1*
- (d) Proposed and existing roads, points of ingress and egress along with access control such as gates, fences, or berms. *MP-1*
- (e) Buffer and set back lines along with the buffered boundary or feature. *MP-1*
- (f) Springs, streams, creeks, rivers, ponds, and other waters and impoundments.
- (g) Wetlands, if any. *CORP. LTR. SHEET. MP-1*
- (h) Boundary of the proposed waste area. *G-2*
- (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. *G-1 + G-2*
- (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). *PP-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. *PP-1*
- (l) Proposed surface water control features and devices such as slope drains, storm water pipes, inlets, culverts, and channels. *G-2*
- (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. *PP-1*
- (o) A minimum of two cross-sections, one each along each major axis, per operational area showing:
- (i) Original elevations. *PP-1*
- (ii) Proposed excavation.
- (iii) Proposed final elevations.
- (4) An operational plan addressing the requirements under Rule .0566 of this Section and containing the following information shall be submitted with the application for a proposed Land Clearing and Inert Debris (LCID) landfill: *OPERATIONAL NARRATIVE.*

- (a) Name, address, and phone number of individual responsible for operation and maintenance of the facility. pg. 1 OP. CONTRACTURE
- (b) Projected use of the land after completion. pg. 1
- (c) Description of systematic usage of disposal area, operation, orderly development and closure of the landfill. pg. 1, "C" AND PLAN SHEET PP-1
- (d) Type, source, and quantity of waste to be accepted. pg. 2
- (e) An emergency contingency plan, including fire fighting procedures. pg. 2

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

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

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

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

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

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

### **SECTION .0600 - MONITORING REQUIREMENTS**

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

#### **.0601 GROUND-WATER MONITORING**

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

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

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

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

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

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

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

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

#### **.0602 SURFACE WATER MONITORING**

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

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



# SUNGATE DESIGN GROUP

915-A JONES FRANKLIN ROAD  
RALEIGH, NORTH CAROLINA 27606  
(919) 859-2243

FAX: (919) 859-6258

TO: JIM BARBOUR DATE: 3.9.99

FROM: FRANK BRAXTON FAX #: \_\_\_\_\_

NO. OF PAGES: 17 TIME: \_\_\_\_\_  
(INCLUDING COVER SHEET)

COMMENTS:

NPDES PERMIT 154030 BY DURHAM

- URGENT
- PLEASE ACKNOWLEDGE RECEIPT
- PLEASE CALL ME
- PLEASE FORWARD TO: \_\_\_\_\_
- PLEASE NOTIFY: \_\_\_\_\_

# SUNGATE DESIGN GROUP

915-A JONES FRANKLIN ROAD  
RALEIGH, NORTH CAROLINA 27606  
(919) 859-2243

FAX: (919) 859 6258

TO: JIM BARBOUR DATE: 3.9.99

FROM: FRANK BRAXTON FAX #: \_\_\_\_\_

NO. OF PAGES: 17 TIME: \_\_\_\_\_  
(INCLUDING COVER SHEET)

COMMENTS:

NPDES PERMIT 154030 BY DURHAM

SOrry,  
These are the  
Back side of  
1st Fax.

- URGENT
- PLEASE ACKNOWLEDGE RECEIPT
- PLEASE CALL ME
- PLEASE FORWARD TO: \_\_\_\_\_
- PLEASE NOTIFY: \_\_\_\_\_

**STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL MANAGEMENT**

**GENERAL PERMIT**

**TO DISCHARGE STORMWATER UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provision of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by North Carolina Environmental Management Commission and the Federal Water Pollution Control Act as amended,

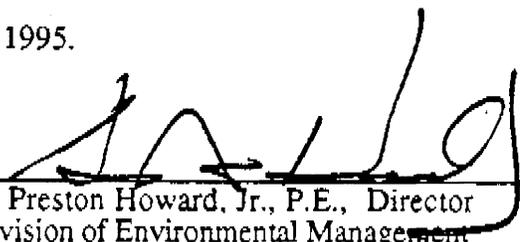
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All owners or operators of stormwater point source discharges associated with construction activities including clearing, grading and excavation activities resulting in the disturbance of land are hereby authorized to discharge stormwater to the surface waters of North Carolina or to a separate storm sewer system conveying stormwater to the surface waters.

The General Permit shall become effective on July 1, 1995.

The General Permit shall expire at midnight on June 30, 2000.

Signed this day June 30, 1995.



---

A. Preston Howard, Jr., P.E., Director  
Division of Environmental Management  
By the Authority of the Environmental Management Commission

Permit No. NCG010000

## PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to discharge stormwater which has been adequately treated and managed in accordance with an approved Sedimentation and Erosion Control Plan by the North Carolina Division of Land Resources, Land Quality Section, or a delegated local program under the provisions and requirements of North Carolina General Statute 113A - 54.1 to the surface waters of North Carolina or to a separate storm sewer system. All discharges shall be in accordance with the attached schedules as follows:

Part I: Monitoring, Controls, and Limitations for Permitted Discharges

Part II: Standard Conditions for NPDES Stormwater General Permits

Any other point source discharge to surface waters of the state is prohibited unless covered by another permit, authorization or approval.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

### General Permit Coverage

Coverage under this General Permit shall become effective upon issuance of an approval for the Sedimentation and Erosion Control Plan by the Land Quality Section of the Division of Land Resources or delegated local program. Prior to the commencement of construction and land disturbing activities approval of the Sedimentation and Erosion Control Plan shall be obtained.

Any owner or operator not wishing to be covered or limited by this General Permit may make application for an individual NPDES permit in accordance with NPDES procedures in 15A NCAC 2H .0100, stating the reasons supporting the request. Any application for an individual permit should be made at least 180 days prior to the time the permit is needed.

This General Permit does not cover activities or discharges covered by an individual NPDES permit until the individual permit has expired or has been rescinded. Any person conducting an activity covered by an individual permit but which could be covered by this General Permit may request that the individual permit be rescinded and coverage under this General Permit be provided.

**PART I****MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES****SECTION A: FINAL LIMITATIONS AND CONTROLS FOR STORMWATER DISCHARGES**

During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge stormwater associated with industrial activity. Such discharges shall be controlled, limited and monitored as specified below.

1. Prior to the commencement of construction, the permittee shall submit for approval a Sedimentation and Erosion Control Plan (plan) to the Department of Environment, Health, and Natural Resources, Division of Land Resources, Land Quality Section, (or an approved local program) pursuant to the requirements of NC G.S. 113A-54.1 and in conformity with rules adopted by the Sedimentation and Erosion Control Commission.
2. The Permittee shall implement the plan, which has been approved by the approval authority. The approved plan is considered a requirement or condition of this general permit. Deviation from the approved plan, or approved amendment to the plan, shall constitute a violation of the terms and conditions of this general permit except that deviation from the approved plan will be allowed to correct an emergency situation where sediments are being discharged off the site, even though the approved plan is in effect. Such a deviation from the approved plan shall be noted on the approved plan maintained at the job site. A signed copy of the approved plan shall be maintained on the site at all times.
3. Equipment utilized during the construction activity on a site must be operated and maintained in such a manner as to prevent the potential or actual pollution of the surface or ground waters of the state. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be discharged onto the ground or into surface waters. Spent fluids shall be disposed of in a manner so as not to enter the waters, surface or ground, of the state and in accordance with applicable state and federal disposal regulations. Any spilled fluids shall be cleaned up to the extent practicable and disposed of in a manner so as not to allow their entry into the waters, surface or ground, of the state.
4. Herbicide, pesticide, and fertilizer usage during the construction activity shall be restricted to those materials approved by EPA and shall be in accordance with label restrictions.
5. All wastes composed of building materials shall be disposed of in accordance with North Carolina General Statutes, Chapter 130A, Article 9 - Solid Waste Management, and rules governing the disposal of solid waste (North Carolina Administrative Code Section 15A NCAC 13B).

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**SECTION B: MINIMUM MONITORING AND REPORTING REQUIREMENTS**

Minimum monitoring and reporting requirements are as follows unless otherwise approved in writing by the Director of the Division of Environmental Management.

1. All sedimentation and erosion control facilities shall be inspected by or under the direction of the permittee at least once every seven calendar days and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period.
2. Stormwater runoff discharges shall be inspected by observation for stormwater discharge characteristics as defined below at the above frequency to evaluate the effectiveness of the pollution control facilities or practices. If any visible off-site sedimentation is leaving the site, corrective action shall be taken to reduce the discharge of sediments.

<u>Stormwater Discharge Characteristics</u>	<u>Monitoring Type<sup>1</sup></u>	<u>Monitoring Location<sup>2</sup></u>
Color		SDO
Odor		SDO
Clarity		SDO
Floating Solids		SDO
Suspended Solids		SDO
Foam		SDO
Oil Sheen		SDO
Other obvious indicators of stormwater pollution		SDO

**Footnotes:**

- 1 Monitoring Type: The monitoring requires a qualitative observation of each stormwater outfall. No analytical testing or sampling is required.
  - 2 Sample Location: Stormwater Discharge Outfall (SDO)
3. The operator shall keep a record of inspections. Visible sedimentation found off the site shall be recorded with a brief explanation as to the measures taken to prevent future releases as well as any measures taken to clean up the sediment that has left the site. This record shall be made available to DEM or authorized agent upon request.

**SECTION C: SCHEDULE OF COMPLIANCE**

1. The permittee shall comply with Final Limitations and Controls specified for stormwater discharges by the effective date of the permit unless specified below.
2. Permittee shall at all times provide the operation and maintenance necessary to operate the permitted stormwater controls at optimum efficiency.

**PART II**  
**STANDARD CONDITIONS FOR NPDES STORMWATER GENERAL PERMITS**

**SECTION A: DEFINITIONS**

1. **Act or "the Act" or CWA**

The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

2. **Best Management Practices (BMPs)**

Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operation procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

3. **DEM or Division**

The Division of Environmental Management, Department of Environment, Health and Natural Resources.

4. **Director**

The Director of the Division of Environmental Management, the permit issuing authority.

5. **EMC**

The North Carolina Environmental Management Commission.

6. **Landfill**

A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

7. **Overburden**

Any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally-occurring surface materials that are not disturbed by mining operations.

8. **Permittee**

The person who signed as the financially responsible party on the Sedimentation and Erosion Control Plan.

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9. Point Source Discharge

Any discernible, confined and discrete conveyance, including but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal feeding operation from which pollutants are or may be discharged to waters of the state.

10. Representative Storm Event

A storm event that measures greater than 0.1 inches of rainfall and that is preceded by at least 72 hours during which no storm event measuring greater than 0.1 inches has occurred. A single storm event may contain intervals of up to 10 consecutive hours of no precipitation. For example, if it rains for 2 hours without producing any collectable discharge, and then stops, a sample may be collected if a rain producing a discharge begins again with the next 10 hours.

SECTION B: GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this general permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for certificate of coverage termination, revocation and reissuance, or modification; or denial of a certificate of coverage renewal application.

- a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- b. The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed \$10,000 per violation with the maximum amount not to exceed \$125,000. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]
- c. Under state law, a daily civil penalty of not more than ten thousand dollars (\$10,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [Ref: North Carolina General Statutes 143-215.6A]
- d. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during

Permit No. NCG010000

which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit which has a reasonable likelihood of adversely affecting human health or the environment.

3. Civil and Criminal Liability

Except as provided in general permit conditions on "Bypassing" (Part II, C.3.), nothing in this general permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

4. Oil and Hazardous Substance Liability

Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

5. Property Rights

The issuance of this general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

6. Severability

The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.

7. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the certificate of coverage issued pursuant to this general permit or to determine compliance with this general permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this general permit.

8. Continuation of the Expired General Permit

An expired general permit continues in force and effect until the general permit is reissued or a new general permit is issued. Only those facilities authorized to discharge under the expiring general permit are covered by the continued general permit.

Permit No. NCG010000

9. General Permit Termination

After public notice and opportunity for a hearing, the general permit may be terminated for cause. The filing of a request for a general permit modification, revocation and reissuance, or termination does not stay any general permit condition. The certificate of coverage shall expire when the general permit is terminated.

10. When an Individual Permit may be Required

The Director may require any owner/operator authorized to discharge under a certificate of coverage issued pursuant to this general permit to apply for and obtain an individual permit or an alternative general permit. Any interested person may petition the Director to take action under this paragraph. Cases where an individual permit may be required include, but are not limited to, the following:

- a. The discharger is a significant contributor of pollutants;
- b. Conditions at the permitted site change, altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a General Permit;
- c. The discharge violates the terms or conditions of this general permit;
- d. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- e. Effluent limitations are promulgated for the point sources covered by this general permit;
- f. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this general permit.
- g. The Director determines at his own discretion that an individual permit is required.

11. When an Individual Permit may be Requested

Any permittee operating under this general permit may request to be excluded from the coverage of this general permit by applying for an individual permit. When an individual permit is issued to an owner/operator the applicability of this general permit is automatically terminated on the effective date of the individual permit.

12. Signatory Requirements

- a. All applications, reports, or information submitted to the Director shall be signed and certified as follows:
  - (1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million (in second quarter 1980 dollars), if authority

Permit No. NCG010000

**SECTION C: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS****1. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this general permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the general permit.

**2. Need to Halt or Reduce not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this general permit.

**3. Bypassing of Stormwater Control Facilities****a. Definitions**

- (1) "Bypass" means the known diversion of stormwater from any portion of a stormwater control facility including the collection system, which is not a designed or established or operating mode for the facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the control facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

**b. Bypass Not Exceeding Limitations.**

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs c. and d. of this section.

**c. Notice**

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and affect of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice within 24 hours of an unanticipated bypass as required in Part II, E. 5. of this general permit. (24-hour notice).

**d. Prohibition of Bypass**

Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

## Permit No. NCG010000

- (1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (3) The permittee submitted notices as required under Paragraph c. of this section.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Paragraph d. of this section.

#### 4. Upsets

##### a. Definition

"Upset " means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

##### b. Effect of an Upset.

An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c. of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

##### c. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in Part II, E. 5. (b) (B) of this general permit.
- (4) The permittee complied with any remedial measures required under Part II, A. 2. of this general permit.

##### d. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

Permit No. NCG010000

**SECTION D: MONITORING AND RECORDS****1. Representative Sampling**

Samples collected and measurements taken, as required herein, shall be characteristic of the volume and nature of the permitted discharge. Samples shall be taken on a day and time that is characteristic of the discharge. All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and approval of the Director.

**2. Reporting**

Duplicate signed copies of all reports required herein, shall be submitted to the following address:

Division of Environmental Management  
Water Quality Section  
ATTENTION: Central Files  
Post Office Box 29535  
Raleigh, North Carolina 27626-0535

**3. Flow Measurements**

Where required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges.

**4. Test Procedures**

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS 143-215.63 et. seq., the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of the monitoring required by this general permit, all test procedures must produce minimum detection and reporting levels that are below the general permit discharge requirements and all data generated must be reported down to the minimum detection or lower reporting level of the procedure. If no approved methods are determined capable of achieving minimum detection and reporting levels below general permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

**5. Penalties for Tampering**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this general permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

**6. Records Retention**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this general permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

**7. Recording Results**

For each measurement, sample, inspection or maintenance activity performed or taken pursuant to the requirements of this general permit, the permittee shall record the following information:

- a. The date, exact place, and time of sampling, measurements, inspection or maintenance activity;
- b. The individual(s) who performed the sampling, measurements, inspection or maintenance activity;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

**8. Inspection and Entry**

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a municipal separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to;

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this general permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this general permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring general permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

Permit No. NCG010000

**SECTION E: REPORTING REQUIREMENTS****1. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29 (b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the general permit, nor to notification requirements under 40 CFR Part 122.42 (a) (1).

**2. Anticipated Noncompliance**

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with the general permit requirements.

**3. Transfers**

The certificate of coverage issued pursuant to this general permit is not transferable to any person except after notice to and approval by the Director. The Director may require modification or revocation and reissuance of the certificate of coverage to change the name and incorporate such other requirements as may be necessary under the Clean Water Act.

**4. Monitoring Reports**

Monitoring results shall be reported at the intervals specified in Part I of this general permit.

**5. Twenty-four Hour Reporting**

- a. The permittee shall report to the central office or the appropriate regional office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.

The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- b. The following shall be included as information which must be reported within 24 hours under this paragraph:
  - (1) Any unanticipated bypass which exceeds any effluent limitation in the general permit.
  - (2) Any upset which exceeds any effluent limitation in the general permit.

## Permit No. NCG010000

- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the general permit to be reported within 24 hours.
- c. The Director may waive the written report on a case-by-case basis for reports under paragraph b. above of this condition if the oral report has been received within 24 hours.
6. Other Noncompliance
- The permittee shall report all instances of noncompliance not reported under Part II. E. 4. and 5. of this general permit at the time monitoring reports are submitted. The reports shall contain the information listed in Part II. E. 5. of this general permit.
7. Other Information
- Where the permittee becomes aware that it failed to submit any relevant facts in a notice of intent to be covered under this general permit or in any report to the Director, it shall promptly submit such facts or information.
8. Availability of Reports
- Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division of Environmental Management. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.
9. Penalties for Falsification of Reports
- The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this general permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

**SECTION F: LIMITATIONS REOPENER**

This general permit shall be modified or alternatively, revoked and reissued, to comply with any applicable effluent guideline or water quality standard issued or approved under Sections 302(b) (2) (c), and (d), 304(b) (2) and 307(a) of the Clean Water Act, if the effluent guideline or water quality standard so issued or approved:

- a. contains different conditions or is otherwise more stringent than any effluent limitation in the general permit; or
- b. controls any pollutant not limited in the general permit.

The general permit as modified or reissued under this paragraph shall also contain any other requirements in the Act then applicable.

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

James B. Hunt, Jr., Governor  
 Jonathan B. Howes, Secretary  
 A. Preston Howard, Jr., P.E., Director



July 1, 1995

**Construction Activities Disturbing 5 or More Acres  
 Stormwater Discharge Permits Required**

The Federal Clean Water Act requires that National Pollutant Discharge Elimination System (NPDES) Permits be obtained for discharges of stormwater runoff from construction activities disturbing five or more acres. The North Carolina Division of Environmental Management administers the NPDES permit program in North Carolina under delegation from the U.S. Environmental Protection Agency. **Since this project disturbs five or more acres, it is covered by the attached General Stormwater NPDES Permit, NCG010000, as revised July 1, 1995. You are responsible for complying with the General Permit requirements and are subject to enforcement by the Division of Environmental Management for any violations of the General Permit.** The filing of Notice of Intents for permit coverage and filing fees are no longer required for these projects. Should you have questions concerning these requirements you may contact the Regional Office Water Quality Staff of the Division of Environmental Management in your area. The Regional Water Quality Supervisors are as follows:

<u>Regional Office</u>	<u>Water Quality Supervisor</u>	<u>Telephone Number</u>
Asheville	Forrest Westall	704/251-6208
Fayetteville	Michael Wicker	910/486-1541
Mooresville	Rex Gleason	704/663-1699
Raleigh	Judy Garrett	919/571-4700
Washington	Roger Thorpe	919/946-6481
Wilmington	Dave Adkins	910/395-3900
Winston-Salem	Steve Mauney	910/771-4600

attachment - NCG010000



**DURHAM CITY-COUNTY  
INSPECTIONS DEPARTMENT**

101 CITY HALL PLAZA  
DURHAM, N.C. 27701  
(919) 560-4144  
FAX 560-4484

February 22, 1999

**RECEIVED**

**FEB 23 1999**

**DIVISION OF WASTE MANAGEMENT  
FAYETTEVILLE REGIONAL OFFICE**

Mr. Jim Barbour  
Eastern Area Engineer  
North Carolina Department of  
Environmental and Natural Resources  
Division of Waste Management  
Fayetteville Regional Office  
225 Green Street, Suite 601  
Fayetteville, NC 28301-1791

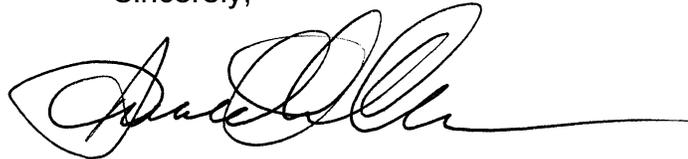
Re: Local Governmental Approval Letter for Waste Industries, Inc.  
L.C.I.D. Landfill and Woodwaste Processing

Dear Mr. Barbour:

The Durham City/County Development Review Board approved a Site Plan for the above referenced project located at 148 Stone Park Court (Stone Road Industrial Park), Durham, NC. The Site Plan was approved based on the applicable zoning and development regulations. The property is located in an I-3 Heavy Industrial District and the above referenced uses are permitted within this zoning district. The L.C.I.D. Landfill was permitted as a Temporary Use Permit under Section 14 of the Durham City/County Zoning Ordinance.

I trust this information verifies the required local governmental approval for this development and please feel free to contact me should you have questions or desire additional information.

Sincerely,



Donald L. Clark  
Senior Plans Examiner  
Durham City-County Inspections  
Department

Post-it® Fax Note	7671	Date	3/9/99	# of pages	1
To	FRANK BRAXTON	From	JIM BARBER		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

15 October, 1998

Mr. Donnie Clark  
Durham Inspections Department  
City Hall Plaza  
Durham, NC

**RE: TEMPORARY USE PERMIT FOR A DEMOLITION LANDFILL  
OWNED AND OPERATED BY WASTE INDUSTRIES, INC.**

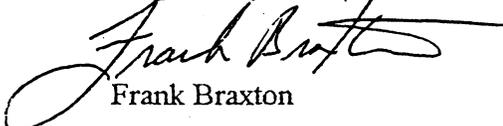
Dear Mr. Clark:

As per our discussion, I am submitting the required documents for the issuance of a Temporary Use Permit for a Demolition Landfill as outline in Section 14 of the Durham City/County Zoning Ordinance.

To conform with the Application Requirements, I have attached an "application narrative" outlining the specific items contained in Section 14.2 APPLICATION. Additionally, the requirements contained within Section 14.4 SUPPLEMENTARY REQUIREMENTS OF CERTAIN USES (8) Demolition Landfills are included.

I look forward to working with you on this project and please contact me should you have questions or desire additional information.

Respectfully submitted,

  
Frank Braxton

cc: Ven Poole, Waste Industries, Inc.

10/22/99

**APPLICATION  
FOR  
TEMPORARY LANDFILL**

**WASTE INDUSTRIES  
DURHAM DISTRICT CAMPUS  
L.C.I.D. LANDFILL and  
WOODWASTE PROCESSING**

**Sungate Design Group, PA  
915 A Jones Franklin Road  
Raleigh, North Carolina  
919-859-2243**

**TEMPORARY USE PERMIT  
DEMOLITION LANDFILL  
WASTE INDUSTRIES, INC.**

**SECTION 14 TEMPORARY USE PERMITS**

**14.2 APPLICATION**

- 1. A description of the proposed use, the proposed beginning and ending dates and the proposed hours of operation.**

Waste Industries proposes to operate a Land Clearing and Inert Debris Landfill (LCID) and a Woodwaste Processing as part of their solid waste management operations located at their Durham District Campus. This operation is considered a reclamation project to convert an abandoned brick mine into a useable industrial site. The proposed use is for the controlled depository of land clearing and inert debris as well as the "by-products" generated from woodwaste processing. The anticipated materials will consist of inert materials such as rock, soil, concrete, etc. and non-treated wood products. The materials will be imported to the site and collected within a staging area. The wood materials will be processed as a fuel source (waste to energy program) and landscaping mulch. The balance of the imported materials will be deposited in the staging area for inspection and processing. The inert materials and wood by-products will be transported to the appropriate landfill cell. The processed wood materials will be exported and the unsuitable fill materials hauled to a permitted Sanitary Landfill or Transfer Station.

As indicated, this proposed use is viewed as a process to reclaim an abandoned mining pit. Based on the pit volume and the anticipated volume of imported materials, the operational duration is projected to be 10 years. The beginning date is scheduled to be June 19, 1998 and closure in June 18, 2008. This temporary permit will extend for 5 years with a 5 year extension based on a performance review. The hours of operation will typically be from 6:30 am to 7:00 pm Monday through Friday and subject to seasonal fluctuation.

- 2. A description of the property to be used for the temporary use or event, including the location of the use in relation to other buildings, the location of parking and the location of streets to be used for access. Sufficient information shall be provided to assure that adequate parking is provided, that required parking for other uses remains available and the sufficient traffic control measures will be in place.**

The proposed LCID Landfill and Woodwaste Processing is a part of the Waste Industries Durham District Campus. The District Campus is a solid waste management operation located on 37 acres within the Stone Road Industrial Park. At present, the administrative offices and trucking terminal are under construction and scheduled to be completed in July,

**TEMPORARY USE PERMIT  
DEMOLITION LANDFILL  
WASTE INDUSTRIES, INC.**

1998. This proposed use is located on approximately 12 acres within the northwest section of the property. As noted previously, this site is located within the abandoned Borden Brick Mine and consist of an excavated area surrounded by overburden materials, a 50 feet North Carolina Public Gas Easement and a small intermittent stream. As part of the Campus, the access to the landfill area is controlled through a gated entrance which will also include truck scales to record inventory and volume. As a safety precaution, trucking traffic is separated from the general employee and public traffic with regard to access and parking. As policy, public visitors must "check-in" at the District Administrative Office prior to entering the operational area.

- 3. Sufficient information to determine that adequate provisions for trash disposal and sanitary facilities shall be provided. When appropriate, information on crowd control shall be required. The Inspections Department may consult with other City or County Departments to determine the suitability of the provision described in the application.**

The proposed use is a component of a Solid Waste Management Campus that is "owner controlled" and not subject to trash generation. As part of the operation, the imported materials are inspected and all "trash" will be placed in an on-site container. As policy, all trash, not suitable for LCID fill, will be transported to a permitted landfill or transfer station. Additionally, the site be periodically inspected to collect any litter or wind blown trash.

The proposed use is an outdoor activity that requires a minimum of employees and will not attract a large amount of public traffic. Sanitary facilities will be provided at the Administrative Office/Truck Terminal and in the proposed Recycling and Transfer Facility. (The Recycling and Transfer Facility is under appeal of County Special Use Permit Denial) In the short term, a "containerized toilet" will be placed near the operational area.

The proposed use as well as the entire District Campus will be have perimeter fencing installed for security and safety purposes. Access will be gate controlled and monitored.

- 4. Written permission of the property owner for the temporary use shall be required as part of the application.**

The property owner and the applicant is Waste Industries, Inc.

- 5. Additional information as may be required by the Inspections Department in order to protect the public safety.**

**TEMPORARY USE PERMIT  
DEMOLITION LANDFILL  
WASTE INDUSTRIES, INC.**

The proposed LCID Landfill and Woodwaste Processing requires a North Carolina Solid Waste Permit that embraces siting, design and operational requirements. This permit must be renewed at five (5) year intervals, thus providing a continued oversight by a North Carolina Regulatory Agency. The applicable permit requirements are outlined as follows:

**SITING:**

1. Shall not be located within the 100-year floodplain.
2. Shall not cause, contribute, result in or contribute to the taking of any endangered or threaten species of plants, fish or wildlife.
3. Shall not damage or destroy an archaeological or historical site.
4. Shall not have an adverse impact on a state park, recreation or scenic area.
5. Shall not be located in any wetland as defined in the Clean Water Act, Sect. 404(b).
6. Must have adequate soils for cover.
7. Shall not violate the requirements of the NPDES, Sect 402 or the Clean Water Act.
8. Disposal areas shall be a min. of four feet above the seasonal high water table.
9. Min. Buffer requirements from waste boundary:
  - a) 50 feet from all surface surface waters.
  - b) 100 feet from property lines.

**DESIGN:**

1. Site plans illustrating the above information in addition to the following:
  - a) Surveyed boundary with topography.
  - b) Existing features, easements and right-of-ways.
  - c) Proposed infrastructure and circulation systems.
  - d) Access control features.
  - e) Excavation and Restoration Plans.
  - f) Drainage Systems.
  - g) Sedimentation & Erosion Control Plan.
  - h) Test Boring locations.
  - i) Cross-sectional plan.

**OPERATION:**

1. Operational Plan addressing the following:
  - a) Ownership.
  - b) Responsible individual for operation and maintenance.
  - c) Projected use after completion.
  - d) Systematic usage, disposal, operation, development and closure of the landfill.
  - e) Waste identification.
  - f) Emergency plan, including fire fighting procedures.

**TEMPORARY USE PERMIT  
DEMOLITION LANDFILL  
WASTE INDUSTRIES, INC.**

**2. Operational Requirements :**

- a) Cover to be applied monthly or when active area reaches one acre in size, whichever occurs first.
- b) 120 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 drainage in a controlled manner.
- c) Adequate Sedimentation and Erosion Control measures, structures or devices shall be installed and maintained.
- d) Provision of ground cover in accordance with (b) above and the Sedimentation and Erosion Control Regulations.
- e) Facility security 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.
- f) Access roads shall be of all-weather construction.
- g) Surface water shall be diverted from the working face and not impounded over the waste.
- h) Waste shall not be disposed of in water.
- i) Open burning is prohibited.
- j) Signs shall be posted to display the permit number and the emergency contact data.

**SECTION 14.4 SUPPLEMENTARY REQUIREMENTS FOR CERTAIN USES**

- 8. Demolition landfills: Demolition or rubble landfills may be located in nonresidential zones or on residential parcels of ½ acre or larger. The site shall conform to all state and federal requirements. In some cases, additional screening may be required to protect the welfare of adjacent property. The applicant for a temporary use permit shall include supplementary information showing a plan for restoration of the site and provide some guarantee of funding to finance the restoration.**

The proposed site is zoned Heavy Industrial - 3 and is within an industrial subdivision. As indicated, the use is part of a Solid Waste Management Campus. The use requires an individual permit from the North Carolina Department of Environment, Health and Natural Resources - Division of Waste Management and must be renewed every five years.

**TEMPORARY USE PERMIT  
DEMOLITION LANDFILL  
WASTE INDUSTRIES, INC.**

The site's boundary that separates the undeveloped residentially zoned property is an intermittent stream. The Durham Zoning Regulation requires a 25 feet Stream Buffer within a 40 feet zoning buffer. The state permit requirements require a 100 feet buffer from the waste boundary to the property line. The proposed restoration of this site shall include extensive pine tree plantings within (and beyond) the 100 feet buffer and grassing the balance of the landfill site. It is intended to control the material placement within the various cells to allow a future building site and provide additional storage yards. The restoration plan includes a cost estimate for the plantings and grassing. A bond or letter of credit shall be issued as directed for the amount equal to 1 1/2 times the estimate.

May 9, 1997

Sungate Design Group, P.A.  
915 Jones Franklin Road  
Raleigh, NC 27606

ATTENTION: Mr. Frank Braxton

**Report of Subsurface Investigation and  
Ground Water Evaluation  
Stone Road Industrial Park  
Raleigh, North Carolina  
Our Project Number 121-97-07381**

Gentlemen:

TerraTech Engineers, Inc. has completed the requested subsurface investigation and groundwater evaluation for the above referenced project. The results of our field investigation and evaluations are enclosed herewith.

**Scope of Services**

The main objective of the study was to evaluate the groundwater conditions at the subject site. A site plan, indicating the location of the three requested borings, is provided as Figure 1 in the Appendix.

**Investigative Procedures**

The subsurface investigation consisted of the requested three soil test borings at the site. The borings were performed at the approximate locations indicated on Figure 1, included in the Appendix. The soil test borings were performed to a depth 10 feet below the existing ground surface. The borings were located in the field by a representative of TerraTech Engineers, Inc. by measuring distances and angles from existing site reference points. Ground surface elevations were not provided to us. In general, the locations of the test borings should be considered approximate.

Our field examinations consisted of auger drilling techniques using truck-mounted drilling equipment. Hand augering was performed in boring B-2 to restore the integrity of the hole, due to caving-in of the hole. Observation wells were installed in each boring to provide a more accurate recording of ground water levels. Figure 2 in the Appendix illustrates the well construction used. Ground water readings in each of the borings were recorded at periodic intervals and are included in Table 1 in the Appendix.

**General Site Conditions**

**Site Location and Description**

The subject site is an approximately 35.5 acre tract located north of Stone Road in Durham County, North Carolina. The property itself contains no buildings or structures but has several dirt roads running throughout. Site topography is generally sloping downwards to the south and southwest towards a small creek which forms part of the western property line. A majority of the site is eroded

and gullied with outcroppings of sandstone and siltstone. Relief across the property is on the order of 30 to 40 feet mainly due to previous excavations of the western portion of the site.

### Regional Geology

The site is located in the Piedmont Physiographic Province of North Carolina. Based on a review of geologic maps, it appears that the site is located within a geologic unit known as the Chatham Group of the Durham Triassic Basin.

The Durham Triassic Basin, one of several trough shaped basins in the Piedmont, was created approximately 200 million years ago when faulting activity caused long, narrow areas to drop several thousands of feet relative to the surrounding area. Soil and rock materials were then eroded from the surrounding areas and deposited in fresh water lakes within the basin to form sedimentary rocks. The sedimentary rocks in this area typically consist of sandstones, siltstones, shales, conglomerates, and fanglomerates. Isolated calcareous zones are present in the fine-grained rocks, and occasional coal beds are interbedded with the shales and siltstones. Conglomerates and fanglomerates are typically found along the western and eastern edges of the basin.

Soils in the Durham Triassic Basin have been formed by the in-place weathering of the underlying rock, which accounts for their classification as "residual" soils. The residual soils typically consist of clayey silts, sandy silts, and silty sands. However, pockets of relatively plastic silts and clays have been encountered within less plastic, coarser grained soils, in many instances. Boulders are commonly encountered within the residual soil mass in this area.

### General Subsurface Conditions

From the ground surface, all of the test borings encountered residual soils, consisting generally of sandy silts and clayey silts, to the depth of boring termination.

Auger refusal was not encountered in the test borings. Auger refusal is the depth at which the boring cannot be further advanced using conventional soil drilling techniques.

Based on review of the soil survey of Durham County, the surface soils at the site exhibit moderate infiltration and very low permeability.

### Ground Water Conditions

Ground water was not encountered in the test borings at the time of our field investigation. Ground water levels were recorded at various intervals during a three week period, April 22 through May 9, 1997. These are provided in the attached Table 1. According to the City of Durham Storm Water Management Department, rainfall for the southeast Durham totaled 2.92 inches during this period of time. It should be noted that ground water levels will fluctuate depending on seasonal variations of precipitation and other factors, and may occur at higher or lower elevations at some time in the future.

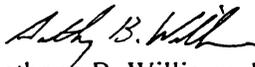
Page 3

Closure

We appreciate the opportunity to provide this subsurface investigation and ground water evaluation. If you have any questions about this report, or if we can be of additional service, please do not hesitate to contact us.

Sincerely,

TerraTech Engineers, Inc.



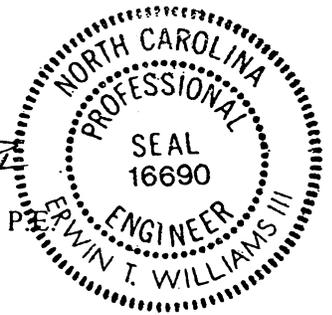
Anthony B. Williams, E.I.T.  
Project Manager

ABW/bb

Enclosures



Erwin T. Williams III, P.E.  
Senior Geotechnical



**APPENDIX**

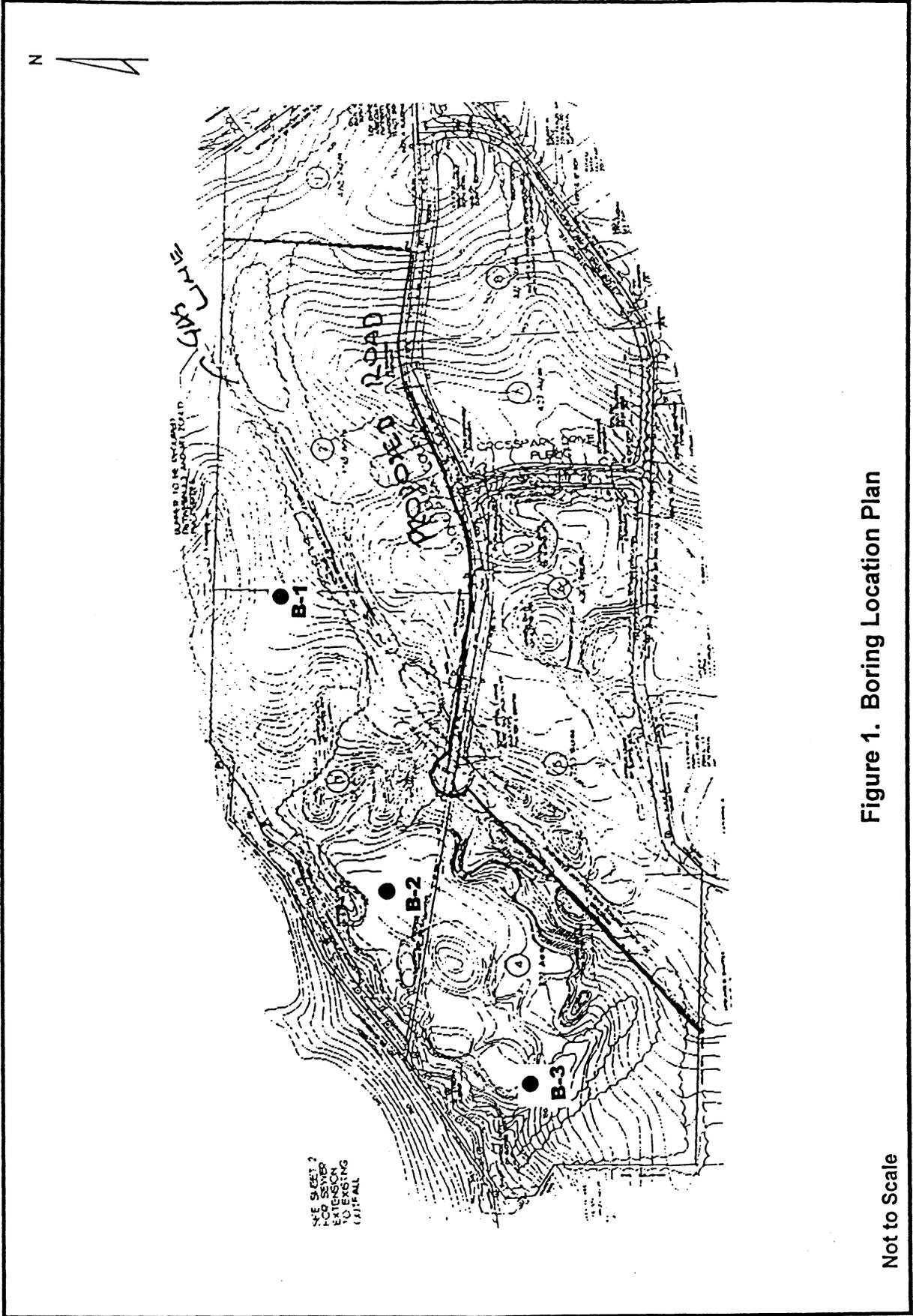


Figure 1. Boring Location Plan

Project: Stone Road Industrial Park  
Durham County, North Carolina  
Our Project Number 121-97-07381

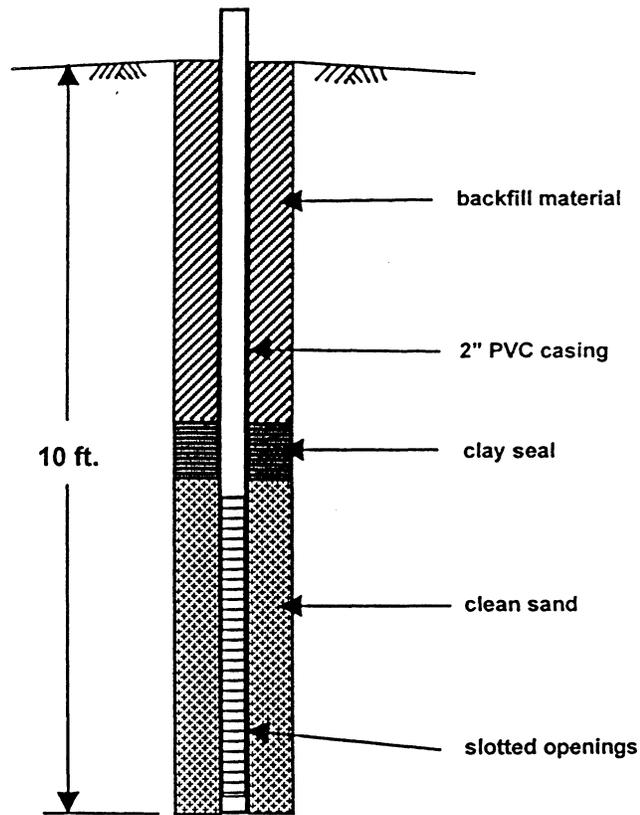


Figure 2. Observation Well Construction

Not to Scale

Legend:

Project: Stone Road Industrial Park  
Durham County, North Carolina  
Our Project Number 121-97-07381

**TABLE 1**

**Summary of Ground Water Levels  
Stone Road Industrial Park  
Our Project Number 121-97-07381**

Boring Number	Depth to Boring Termination (feet)	Depth to Ground Water TOB (feet)	Depth to Ground Water 24 hours (feet)	Depth to Ground Water 16 days** (feet)	Depth to Ground Water 18 days (feet)
B-1	10.0	N.E.	N.E.	3.3	3.9
B-2	10.0	N.E.	*	3.3	3.0
B-3	10.0	N.E.	6.0	4.3	4.9

\* Boring opening damaged by surface drainage. Repaired by hand augering.

\*\*Temporary observation wells installed 8 days after borings drilled.

TOB – Time of boring

N.E. - Not encountered

**APPLICATION FOR:**

**LAND CLEARING and INERT DEBRIS LANDFILL**

**WASTE INDUSTRIES--DURHAM DISTRICT  
SOLID WASTE MANAGEMENT CAMPUS  
DURHAM, NORTH CAROLINA**

**OWNER:**

**WASTE INDUSTRIES, INC.  
3949 BROWNING PLACE  
RALEIGH, NC 27609**

**DESIGNER:**

**SUNGATE DESIGN GROUP, PA  
915A JONES FRANKLIN ROAD  
RALEIGH, NC 27606  
919-859-2243**

NORTH CAROLINA  
SOLID WASTE MANAGEMENT  
RULES (15A NCAC 13B)

.0562 LAND CLEARING and INERT DEBRIS  
(LCID) LANDFILL

## WRITTEN COMPLIANCE REPORT

.0565(1)(d) A written report indicating that the facility shall comply with all the requirements set forth under Rule .0564 of this Section.

Waste Industries proposes to develop and operate a Land Clearing and Inert Debris Landfill (LCID) and an Woodwaste Processing Area as part of their operations located at their Durham District Campus. The District Campus is a solid waste management operation located on 37 acres within the Stone Road Industrial Park. At present, the administrative offices and trucking terminal have been constructed and scheduled to begin operation in early 1999.

This proposed use is located on approximately 12 acres within the northwest section of the property. This particular area is within the abandoned Borden Brick Mine and consist of an excavated pit surrounded by overburden materials. The proposed site is not located in the 100-year floodplain, does not cause an adverse impact on any endangered species, damage or destroy an archaeological or historical site and does 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. The appropriate documentation is provided as part of this application. Additionally, this site is not located in any wetland as defined in the Clean Water Act, Section 404(b).

During the construction of the Administrative Offices and Trucking Terminal, excess excavated materials were stockpiled and incorporated with the existing overburden to provide a source of adequate cover material. This material shall be relocated as needed to provide an efficient access route for the periodic and final cover.

A subsurface investigation and ground water evaluation was undertaken to establish a "base line" elevation related to the seasonal high water table and disposal area separation. A four (4) feet separation between the seasonal high water table and the base of the disposal area has been incorporated within the construction plans. The surface water control system included both a sedimentation control and a stormwater management system. As a result of the previous mining operation, an earthen berm was constructed along the lower elevation of the site and parallel to the small creek (property line) and has been modified to create a linear impoundment. This impoundment will serve as a sedimentation basin and permanent stormwater control pond.

The proposed disposal area has been designed to conform to the prescribed buffer requirements. A 100 feet waste boundary has been established along all adjacent property boundaries and between the future Recycling Center/Transfer Station. Where the property boundary is the centerline of a creek, the 100 feet waste boundary includes the 50 feet buffer required from all surface waters.

The proposed facility has received Site Plan Approval from the Durham City/ County Planning Department and a Temporary Use Permit has been issued by the Durham City/County Inspections Department. A copy of the Application for a LCID Landfill and a Woodwaste Processing Area is included along with the executed permit.

Written Report  
Waste Industries, Inc.  
LCID Landfill  
Durham District Campus

**OWNERSHIP DEED**

WYRICK, ROBBINS, YATES & PONTON L.L.P.  
ATTORNEYS AT LAW

THE SUMMIT  
4101 LAKE BOONE TRAIL, SUITE 300  
RALEIGH, NORTH CAROLINA 27607-7506

MAILING ADDRESS  
POST OFFICE DRAWER 17803  
RALEIGH, NORTH CAROLINA 27619

REAL ESTATE TELECOPIER  
(919) 571-7300

TELEPHONE  
(919) 781-4000

SAMUEL T. WYRICK, III  
LARRY E. ROBBINS  
JAMES M. YATES, JR.  
ROBERT A. PONTON, JR.  
MADISON E. BULLARD, JR.  
F. DANIEL BELL, III  
ERIC A. VERNON  
J. KEMP SHERRON, III  
CAROLYN M. DUDZIK  
STEPHEN C. BRISSETTE  
L. DIANE TINDALL  
ERIC R. SPENCE  
ROGER W. KNIGHT  
GRADY L. SHIELDS  
J. CHRISTOPHER LYNCH  
DONALD R. REYNOLDS  
E. WILLIAM KRATT  
PAMELA P. KEENAN  
ROBERT P. RUSCHER

JOHN F. WIBLE  
STEPHEN D. CELESTINI  
ALEXANDRA M. HIGHTOWER  
CHARLES W. CLANTON  
JEFFREY J. JOHNSON  
CHARLES H. MUNN, JR.  
DAVID A. KIRKBRIDE  
KEVIN A. PRAKKE  
LEE M. WHITMAN  
THOMAS D. APPLEWHITE  
D. CALDWELL BAREFOOT, JR.

OF COUNSEL  
J. ANTHONY PENRY  
BENJAMIN N. THOMPSON

JOHN C. BRYCE  
(1954-1992)

February 25, 1997

Mr. Ven Poole  
WASTE INDUSTRIES, INC.  
3949 Browning Place  
Raleigh, NC 27609

RE: Cherokee Sanford closing, Durham County

Dear Mr. Poole:

Enclosed are the original recorded Deed of Easement and General Warranty Deed, and copies of the Agreement and Indemnification Agreement in connection with the above-referenced closing. Your final Owner's Title Insurance Policy will be mailed directly to you from Lawyers Title in the next several days.

Should you have any questions, please feel free to call Jeff Johnson or me.

Sincerely,  
WYRICK, ROBBINS, YATES & PONTON L.L.P.

  
Linda Blackwell  
Real Estate Paralegal

Enclosures



STATE OF NORTH CAROLINA

COUNTY OF DURHAM

INDEMNIFICATION AGREEMENT

THIS INDEMNIFICATION AGREEMENT (the "Indemnification Agreement") is made this the 31 day of January, 1997 by and between CHEROKEE SANFORD, INC. ("Seller") and WASTE INDUSTRIES, INC. ("Buyer").

W I T N E S S E T H:

WHEREAS, Seller intends to sell to Buyer and Buyer intends to buy from Seller all of the property identified as Tract 2, Stone Road Industrial Park, 37.197 acres, Durham, North Carolina (the "Property", as described in Exhibit A attached)

WHEREAS, in connection with such sale, Seller and Buyer do not intend that Buyer will assume any liability for the debts evidenced and secured by the Durham County Tax Collector for tax year 1997, listed under Parcel ID #641-02-051 (64.852 acres), and Seller is responsible for such 1997 Durham County taxes ("Taxes"), except for the amount of \$1522.11, representing the prorated amount of 1997 ad valorem taxes, based on the 1996 value and rate, attributed to the Property ("Buyer's Taxes"); and

WHEREAS, in order to assure Buyer that it shall not assume or become liable for any of the Taxes except Buyer's Taxes, and that Seller shall timely pay the Taxes, Seller desires to provide Buyer with this Indemnification; and

WHEREAS, in order to assure Seller that it shall only be responsible for the Taxes less the amount of Buyer's Taxes and that Buyer shall pay to Seller the amount of Buyer's Taxes at such time as Seller pays the Taxes, Buyer desires to provide Seller with this Indemnification;

NOW, THEREFORE, for and in consideration of the sale of the Property and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Buyer and Seller hereby agree as follows:

1. Seller shall pay all Taxes before January 5, 1998;
2. Buyer shall pay to Seller upon demand and after notice the amount of the Buyer's Taxes at such time as Seller is prepared to pay the Taxes. In the event that the 1997 tax rate or value attributable to the Property differs from the 1996 tax rate or value, the amount paid by the Buyer shall be adjusted accordingly.
3. Seller indemnifies Buyer from and against any loss, claim or liability arising out of the Taxes (excluding Buyer's

Taxes) including without limitation the payment of any amounts due thereunder and the cost of defending against any such claims, including reasonable attorneys' fees, and Seller agrees that it shall remain fully responsible for payment of any amounts owing under the Taxes (excluding Buyer's Taxes) and for any and all liabilities arising thereunder.

4. Buyer indemnifies Seller from and against any loss, claim or liability arising out of the Buyer's Taxes, including without limitation the payment of any amounts due thereunder and the cost of defending against any such claims, including reasonable attorneys' fees, and Buyer agrees that it shall remain fully responsible for payment of any amounts owing under the Buyer's Taxes and for any and all liabilities arising thereunder.

5. This Indemnification shall survive the sale of the Property and shall remain in full force and effect until such time as the Taxes are paid in full, at which time this Indemnification shall terminate.

IN WITNESS WHEREOF, Buyer and Seller have executed this Indemnification as of the day and year first above written.

SELLER:

CHEROKEE SANFORD, INC.

By: John M. Corcoran

Title: Vice President

BUYER:

WASTE INDUSTRIES, INC.

By: John Perry

Title: President



STATE OF NORTH CAROLINA

WAKE COUNTY

AGREEMENT

THIS AGREEMENT (the "Agreement") made as of this 31 day of January, 1997 by and between Waste Industries, Inc., a North Carolina corporation (hereinafter "Waste") and Cherokee Sanford, Inc. ("Cherokee").

WHEREAS, Cherokee owns that certain 65 acre tract of land (consisting of a 37.197 acre tract as well as two tracts identified for "Future Development" on the below referenced Map) located in Durham County, North Carolina, as more particularly shown on the map recorded at Book 137, Page 48, Durham County Registry (the "Map"), which Map is incorporated herein by reference ("Entire Property"); and

WHEREAS, Cherokee intends to sell to Waste and Waste intends to purchase from Cherokee the 37.197 acre "Tract 2," as shown on the Map, pursuant to an Offer to Purchase and Contract dated September 3, 1996 (the "Purchase Contract") (hereinafter the "Waste Tract") (The Entire Property, less the Waste Tract, as well as the area within Cross Park Drive and Stone Park Court, as shown on the Map, are hereinafter referred to as the "Cherokee Tracts"); and

WHEREAS, Cherokee and Waste intend to enter into this Agreement (i) in order to provide that Waste shall pay to Cherokee certain additional consideration pursuant to the terms of this Agreement in the event that Waste does not complete certain Improvements, as defined below, on the Cherokee Tracts as provided in this Agreement and (ii) in order to provide certain easement rights across the Cherokee Tracts for the benefit of the Waste Tract;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Waste and Cherokee hereby agree as follows:

1. The recitals above are incorporated by reference into this Agreement.

2. Waste intends to construct on the Waste Tract a solid waste management facility, and, in connection therewith, Waste intends to construct upon a portion of the Entire Property and/or Cherokee Tracts certain road improvements (identified on the Map as Cross Park Drive and Stone Park Court), together with utility improvements, all as shown on the Map and on that certain set of construction drawings for Stone Road Industrial Park prepared by Sungate Design Group, P.A., dated February, 1996 and last revised October 24, 1996 (in such form as finally approved by the City of Durham, the "Plans"), which Plans are incorporated herein by this

reference, which will not only serve the Waste Tract but also the Cherokee Tracts (such road and utility improvements are hereinafter referred to as the "Improvements"). Such Improvements shall be constructed at the sole cost and expense of Waste in substantial compliance with the Map and the Plans.

3. In order to facilitate the construction of the Improvements by Waste, Cherokee shall grant to Waste and its successors and assigns for the benefit of the Waste Tract such rights-of-way, access, ingress, egress, regress, utility, construction and other easements as are shown on the Map and the Plans or as may otherwise reasonably be required by Waste and reasonably approved by Cherokee in order to develop the Waste Tract for the purposes set out herein and in order to construct the Improvements. In connection with the Closing on the conveyance of the Waste Tract to Waste, Cherokee will execute such deeds of easements as are reasonably required by counsel for Waste in order to create for the benefit of the Waste Tract such easement rights. Waste shall indemnify Cherokee from and against any mechanics' and materialmen's liens attaching to the Cherokee Tracts.

4. In the event that at the end of three (3) years from the date of this Agreement (the "Construction Period") Waste has not Substantially Completed, as defined below, the Improvements subject to the terms of this Agreement, Waste shall make a payment to Cherokee in an amount as calculated below (the "Reimbursement Payment.") For purposes of this Agreement, "Substantial Completion" shall be defined as completion of the Improvements in substantial compliance with the Map and the Plans so that they may be dedicated to and accepted by the City of Durham subject to the City's inspection punchlist. Waste may make reasonable and practical changes in the design of the Improvements provided that such changes are approved by the City of Durham and that the overall cumulative effect of such changes does not materially adversely affect the services provided to the Cherokee Tracts by the Improvements (hereinafter, "Changes to Improvements"). Additionally, Waste may make any changes to the design of the Improvements which are required by the City of Durham. In the calculation of any time periods in this Agreement, such time periods shall be extended for up to but not longer than one (1) year by any delays not within the control of Waste, such as inclement weather, riots, strikes, acts of God, war, and other *force majeure*, including without limitation delays caused by or arising out of delays by the City of Durham relating to permits, inspections, and other matters required of the City of Durham, or delays caused by Cherokee. Waste will provide Cherokee with notice of any such delays.

5. The amount of the Reimbursement Payment, if any, shall be calculated as follows:

\$500,000.00

- [hard and reasonable soft costs of Improvements completed or in progress toward completion including work for which Waste has entered into a contract under which Waste has paid for, or is obligated to pay for, materials, labor, or services, provided that such work or materials will be supplied under such contract(s)].

---

= Reimbursement Payment

If, at the time of the Reimbursement Payment, the Deed of Trust from Cherokee to Lindsay C. Warren, Jr., Trustee as recorded in Book 1872, Page 418, Durham County Registry, is still of record, Waste and Cherokee agree that the Reimbursement Payment shall be payable to said Trustee for disbursement in accordance with said Deed of Trust.

6. Waste and Cherokee enter into this Agreement for the mutual benefit of the Waste Tract and the Cherokee Tracts and agree to cooperate with one another in good faith to give effect to this Agreement.

7. This Agreement shall be construed in accordance with the laws of the State of North Carolina. This Agreement represents the entire agreement of the parties hereto, except for the Purchase Agreement, and all prior agreements and negotiations are merged herein. This Agreement shall inure to the benefit of and shall bind the heirs, successors and assigns of the parties hereto.

8. The determination that any provision of this Agreement shall be unenforceable for any reason shall not affect the enforceability and validity of the other provisions of this Agreement.

[The following page is the signature page]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal the day and year first above written.

WASTE INDUSTRIES, INC.

By: John W. Perry President

ATTEST:

Robert Hibel  
Secretary  
(CORPORATE SEAL)

CHEROKEE SANFORD GROUP, INC.

By: J. R. [Signature]

ATTEST:

John M. Concoran  
Secretary  
(CORPORATE SEAL)



Maie-Wyrick, K Sims, Yates & Pantow  
PO Drawer 17863  
Raleigh, NC 27619

NORTH CAROLINA

BOOK 2280 PAGE 204

FILED  
BOOK 2280 PAGE 204-208

'97 FEB 4 PM 4 47

WAKE COUNTY

WILLIE L. COVINGTON  
REGISTER OF DEEDS  
DURHAM COUNTY, N.C.

DEED OF EASEMENT AND AGREEMENT

This Deed of Easement and Agreement ("Easement") by and between Cherokee Sanford, Inc. ("Grantor") and Waste Industries, Inc. ("Grantee"):

W I T N E S S E T H

WHEREAS, Grantor is the fee simple owner of those two tracts of land identified for "Future Development" within Stone Road Industrial Park (the "Cherokee Tracts"), as shown on a map recorded in Book of Maps 137 at Page 48, Durham County Registry (the "Map"); and

WHEREAS, Grantee is the owner of Tract 2 (37.197 acres), as shown on the Map (the "Waste Tract"); and

WHEREAS, Grantor desires to grant and convey to Grantee the easement rights set out below for ingress, egress, regress and access to Tract 2 and for construction of all roadways and utility infrastructure, as shown on the Map and in that certain set of construction plans for Stone Road Industrial Park prepared by Sungate Design Group, P.A., dated February, 1996 and last revised October 24, 1996, (as such plans are finally approved by the City of Durham, the "Plans");

NOW, THEREFORE, in consideration of the sum of ten dollars (\$10.00) in hand paid by Grantee to Grantor, the receipt and adequacy of which is acknowledged by Grantor, the granting of the easement rights set out below being a material inducement for Grantee to purchase Tract 2 from Grantor, and in consideration of the covenants and promises contained herein, Grantor hereby agrees as follows:

1. The recitals above are incorporated herein by reference.
2. Grantor hereby grants and conveys to Grantee, its successors and assigns: (i) a permanent non-exclusive easement across and upon the Cherokee Tracts for ingress, egress, regress, and access to and from Tract 2 across and upon Stone Park Court and Cross Park Drive, as shown on the Map (the "Roadway Easement"); (ii) a permanent non-exclusive easement for utility installation within said Roadway Easement and over and upon the Cherokee Tracts as required by the Plans (the "Utility Easement"); and (iii) a temporary non-exclusive construction easement across and upon the Cherokee Tracts as necessary for

1600

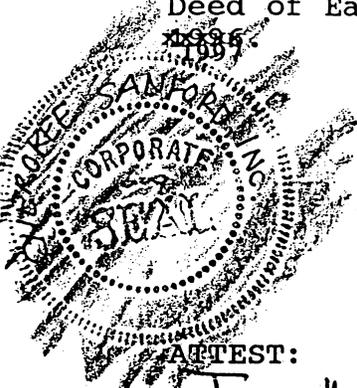
construction of all said roadways and utilities. Exhibit A, attached hereto and made a part hereof, sets out the approximate location of any portions of the Utility Easement which will lie outside of the Roadway Easement. Upon completion of construction of the utility improvements, including any drainage improvements, this Easement shall be amended, if necessary, to revise such Exhibit A to show the actual location of any portions of the Utility Easement lying outside the Roadway Easement.

TO HAVE AND TO HOLD the above described easements and all privileges and appurtenances thereto belonging to Grantee forever.

3. The easements and covenants contained herein shall run with the land and shall inure to and benefit Grantee, its successors and assigns, and shall burden the Cherokee Tracts, and shall be binding upon Grantor, its heirs, successors and assigns until such time as said roadways and utilities are dedicated to and accepted for maintenance by the City of Durham.
4. Grantor covenants with Grantee that Grantor is the fee simple owner of the Cherokee Tracts and has the right to convey the easements contained herein, and shall warrant and defend the title to the easements conveyed herein against all persons whomsoever.

[The following page is the signature page]

IN WITNESS WHEREOF, Grantor and Grantee have executed this Deed of Easement and Agreement as of this 31 day of ~~December~~,  
January



GRANTOR:

CHEROKEE SANFORD <sup>JAB</sup> ~~GROUP~~, INC.

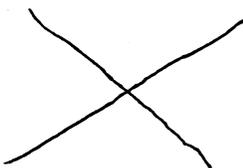
By: *Tom F. [Signature]*

Title: Chairman of the Board of Directors

ATTEST:

*John M. Corcoran*  
Secretary

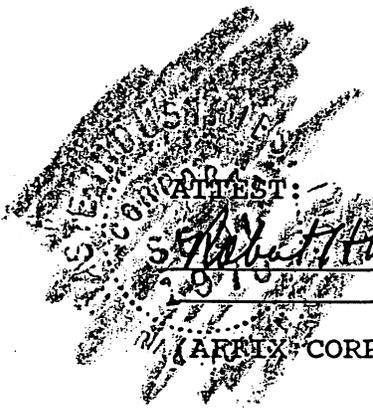
(AFFIX CORPORATE SEAL)



GRANTEE:

WASTE INDUSTRIES, INC.

By: *John [Signature]*  
Title: President



ATTEST:

*Robert [Signature]*  
Secretary

(AFFIX CORPORATE SEAL)

NORTH CAROLINA

Lee COUNTY

I, the undersigned Notary Public, do hereby certify that John M. Carson personally appeared before me this day and acknowledged that she/he is the \_\_\_\_\_ Secretary of CHEROKEE SANFORD, INC., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed by its Chairman of the Board, sealed with its corporate seal and attested by its \_\_\_\_\_ Secretary.

WITNESS my hand and notarial seal, this 31 day of January, 1997.



Linda O. Gay  
Notary Public

My Commission Expires:

4-11-2000

NORTH CAROLINA

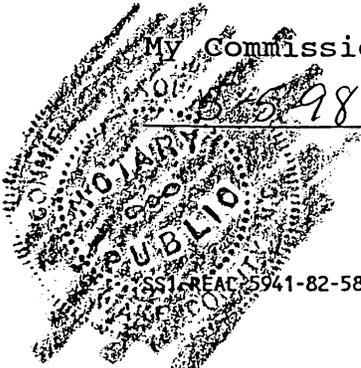
Wake COUNTY

I, the undersigned Notary Public, do hereby certify that JIM W. PERRY personally appeared before me this day and acknowledged that he/she is PRESIDENT of WASTE INDUSTRIES, INC., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed by its PRESIDENT, sealed with its corporate seal and attested by its SECRETARY. WITNESS my hand and notarial seal, this 3rd day of February January, 1997.

Connie L. McKown  
Notary Public

My Commission Expires:

3-5-98



State of North Carolina - Durham County

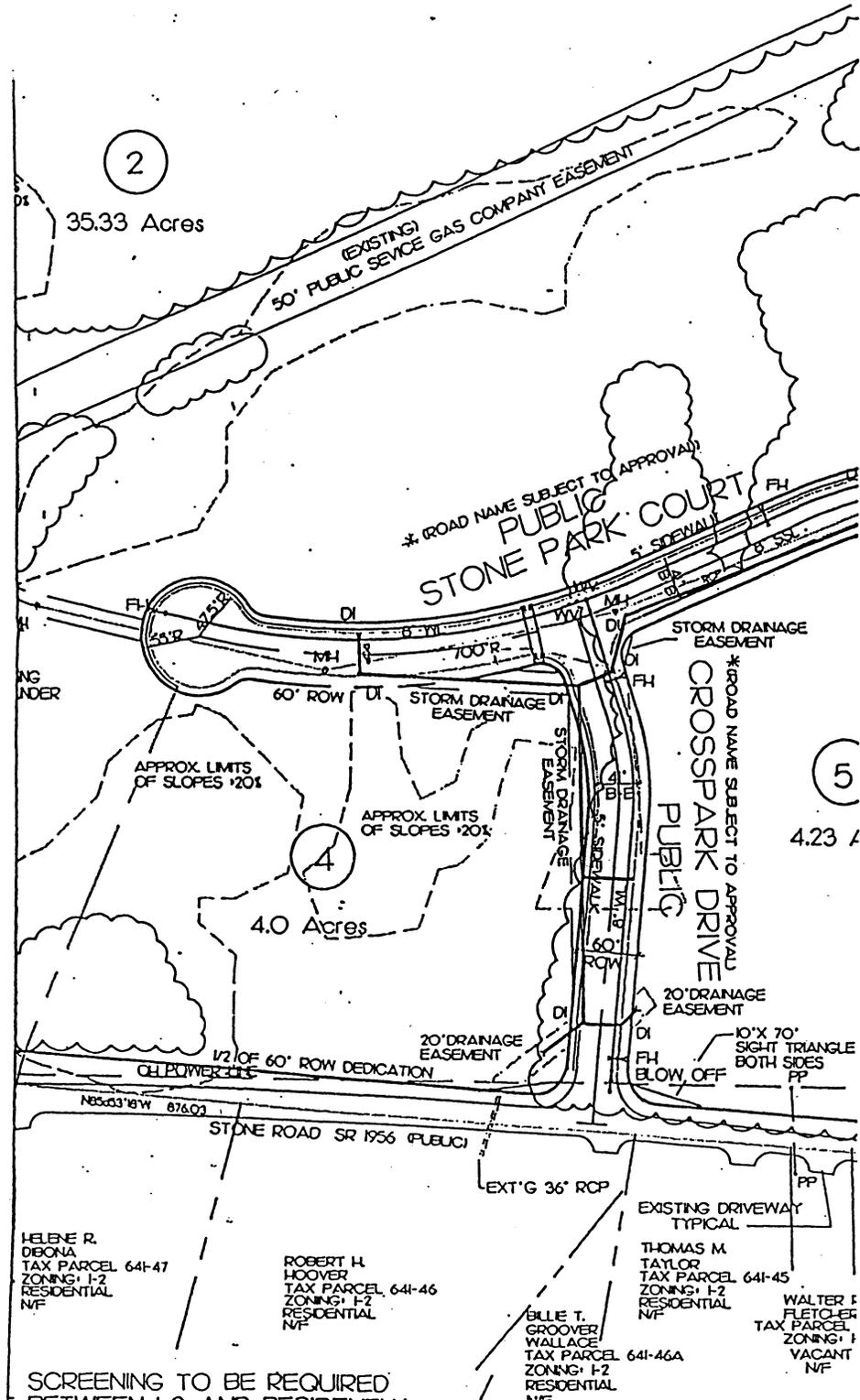
The foregoing or annexed certificate(s) of Linda O Gay  
Connie L. McKown

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

This the 4 day of Feb A.D. 19 97  
WILLIE L. COVINGTON Shirley A. Dwyer  
Register of Deeds

By: Assistant / Deputy  
Register of Deeds

\* THIS EXHIBIT IS NOT A SURVEY AND IS FOR INFORMATIONAL USE ONLY. NO PARTY MAY RELY ON ITS ACCURACY.



DURHAM COUNTY

FEB 4 97

'97 FEB 4 PM 4 45

WILLIE L. COVINGTON  
REGISTER OF DEEDS  
DURHAM COUNTY, N.C.

~~XXXXXXXXXX~~ AMOUNT

112.00



Real Estate  
Excise Tax

Excise Tax 112.<sup>00</sup>

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. 641-02-051

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to ~~XXXXXX~~ Wyrick, Robbins, Yates & Ponton L.L.P., Post Office Drawer 17803  
Raleigh, North Carolina 27619 (Attn: JJJ)

This instrument was prepared by WYRICK, ROBBINS, YATES & PONTON L.L.P.

Brief description for the Index Tract 2, Stone Road Industrial Park

# NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 18 day of December, 1996, by and between

GRANTOR

GRANTEE

CHEROKEE SANFORD, INC., formerly known as  
CHEROKEE SANFORD GROUP, INC.,  
a North Carolina corporation

WASTE INDUSTRIES, INC.  
a North Carolina corporation  
  
P.O. Box 20366  
Raleigh, North Carolina 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 ..... Oak Grove ..... Township, Durham County, North Carolina and more particularly described as follows:

NORTH CAROLINA

Lee COUNTY

I, the undersigned Notary Public, do hereby certify that John M. Corcoran personally appeared before me this day and acknowledged that he/she is the Secretary of Cherokee Sanford, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation the foregoing instrument was signed by its Chairman of the Board of Directors of Cherokee Sanford, Inc., sealed with its corporate seal and attested by him/her as its \_\_\_\_\_ Secretary.

*pt-002*

WITNESSED by hand and notarial seal this 31 day of January 1997.



Linda O. Gay  
Notary Public

My Commission Expires:  
4-11-2000

State of North Carolina - Durham County  
The foregoing or annexed certificate(s) of Linda O. Gay  
A Notary(Notaries) Public for the Designated Governmental units is(are) certified to be correct.

This the 4 day of Feb AD. 19 97  
WILLIE L. COVINGTON Sharon D. Davis  
Register of Deeds By: Assistant / Deputy Register of Deeds





EXHIBIT A

BEGINNING at an existing railroad iron located in the southwestern corner of the property herein described, said iron being the northwestern corner of the property owned now or formerly by Leonard B. Shaffer (Tax Parcel 641-50; Deed Book 1212, Page 48, Durham County Registry "DCR") said iron also being located in the eastern boundary line of the property owned now or formerly by Kathleen M. Rigsbee (Tax Parcel 641-2A; Deed Book 115, Page 539, DCR); thence running along and with said eastern Rigsbee boundary North 03° 24' 22" East 365.13 feet to a point; thence continuing with said eastern Rigsbee boundary North 56° 08' 27" West 96.08 feet to a point; thence running a traverse line across the centerline of a creek (centerline of creek is actual property line) the following courses and distances: North 02° 03' 28" West 75.02 feet to a point; North 59° 40' 07" East 76.66 feet to a point; North 83° 13' 51" East 133.12 feet to a point; North 39° 46' 13" East 86.88 feet to a point; South 88° 50' 02" East 87.75 feet to a point; North 13° 54' 37" East 100.23 feet to a point; North 80° 21' 57" East 83.59 feet to a point; North 50° 30' 37" East 115.83 feet to a point; North 55° 08' 55" East 106.54 feet to a point; North 64° 46' 03" East 178.35 feet to a point; North 71° 28' 51" East 177.60 feet to a point; North 38° 55' 33" East 97.31 feet to a point; North 69° 33' 30" East 108.09 feet to a point; and North 58° 47' 02" East 171.05 feet to an angle iron; thence leaving said angle iron and running South 86° 02' 20" East 1581.17 feet along and with the southern boundary of property owned now or formerly by Joven Five Group (Tax Parcel 639-10; Deed Book 1278, Page 668, DCR) to a point; thence leaving said Joven line and running South 06° 37' 36" West 489.19 feet to a point in the northern margin of the right-of-way of the proposed Stone Park Court; thence running along and with the said right-of-way the following courses and distances: North 80° 04' 57" West 197.97 feet; thence in a curve to the left having a radius of 430.00 feet and an arc length of 247.53 feet and a chord bearing and distance of South 83° 25' 35" West 244.13 feet; thence South 66° 56' 06" West 180.44 feet; thence in a curve to the right having a radius of 670.00 feet, an arc length of 354.40 feet and a chord bearing and distance of South 82° 05' 19" West 350.29 feet; thence in a curve to the right having a radius of 25.00 feet, an arc length of 21.42 feet and a chord bearing and distance of North 58° 12' 36" West 20.77 feet; thence in a curve to the left having a radius of 55 feet, an arc length of 134.90 feet, and a chord bearing and distance of South 76° 04' 22" West 103.54 feet to a point; thence leaving the right-of-way of Stone Park Court and running North 77° 38' 22" West 267.69 feet to a point in southeastern boundary of the existing 50' Public Service Gas company easement; thence running along with said easement South 48° 15' 27" West 653.44 feet to a point; thence continuing with said easement South 48° 06' 06" West 223.37 feet to a point in the northern property line of

Leonard B. Shaffer; thence running with the Shaffer property line North 85° 30' 00" West 513.80 feet to the POINT AND PLACE OF BEGINNING, containing 37.197 acres and being all of Tract 2, Oak Grove Township, Durham County, according to survey by Harold "Todd" Smith entitled "Stone Road Industrial Park Phase One," dated June 27, 1996 and recorded in Plat Book 137, Page 48, Durham County Registry.

18-203



NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF PARKS AND RECREATION



September 15, 1998



JAMES B. HUNT, JR.  
GOVERNOR

WAYNE MCDEVITT  
SECRETARY

DR. PHILIP K. MONTGOMERY  
DIRECTOR

Mr. J. Frank Braxton, RLA  
Sungate Design Group, P.A.  
915-A Jones Franklin Road  
Raleigh, NC 27606

SUBJECT: Rare Species, High Quality Natural Communities, and  
Significant Natural Heritage Areas at the Proposed LCID  
Project Site, Durham, Durham County, North Carolina

Dear Mr. Braxton:

The North Carolina Natural Heritage Program (NC NHP) has no records of high quality natural communities, rare species, scenic river, state park, recreational or scenic areas, or Significant Natural Heritage Areas at or within a 1.0 mile radius of the proposed LCID site, Durham, Durham County, North Carolina.

Enclosed is a list of rare species and high quality natural communities that are known to occur in Durham County. If suitable habitat for any of these species occurs in the project area, then those species may be present at the project site and a survey may be necessary.

Please do not hesitate to contact me at the address below or call me at (919) 715-8703 if you have any questions or need further information.

Sincerely,

Susan Reece Giles  
Information Specialist  
Natural Heritage Program

Enclosure

## NC NATURAL HERITAGE PROGRAM COUNTY SPECIES LIST COVER SHEET

The county species list from the NC Natural Heritage Program is a listing of the elements (rare species, natural communities, and special animal habitats) known to occur in a county. The information on this printout is compiled from a variety of sources, including field surveys, museums and herbaria, literature, and personal communications. The Heritage Program's Biological and Conservation Database (BCD) is dynamic, with new records being added and old records being revised as new information is received. The BCD was developed and is maintained using methodology developed by The Nature Conservancy. The enclosed list cannot be considered a definitive record of natural heritage elements, and it should not be considered a substitute for field surveys. When this information is used in any document, we request that the printout date be given and that the NC Natural Heritage Program be credited.

This cover sheet explains the four columns of status codes that are given on the right-hand side of the county list printout.

### STATE STATUS

CODE	STATUS	CODE	STATUS
E	Endangered	P	Proposed (E, T, or C)
T	Threatened	SR	Significantly Rare
SC	Special Concern	EX	Extirpated
C	Candidate		

Plant statuses are determined by the Plant Conservation Program (NC Department of Agriculture) and the Natural Heritage Program (NC Department of Environment and Natural Resources). E, T, and SC species are protected by state law (Plant Protection and Conservation Act, 1979). C and SR designations indicate rarity and the need for population monitoring and conservation action.

Animal statuses that indicate state protection (E, T, and SC) are published in *Endangered Wildlife of North Carolina*, March 16, 1992, Nongame and Endangered Wildlife Program (NC Department of Environment and Natural Resources). SR and EX statuses are Natural Heritage Program designations. SR indicates rarity and the need for population monitoring and conservation action.

### FEDERAL STATUS

This status is designated by the US Fish and Wildlife Service. Federally listed Endangered and Threatened species are protected under the provisions of the Endangered Species Act of 1973, as amended through the 100th Congress. Unless otherwise noted, definitions are taken from the *Federal Register*, Vol. 56, No. 225, November 21, 1991 (50 CFR Part 17).

CODE	STATUS	DEFINITION
E	Endangered	A taxon "in danger of extinction throughout all of a significant portion of its range."
T	Threatened	A taxon "likely to become an endangered species within the foreseeable future throughout all of a significant portion of its range."
P	Proposed	A taxon proposed for official listing as endangered or threatened.
C	Candidate	A taxon under consideration for which there is sufficient information to support listing. This category was formerly designated as a Candidate 1 (C1) species.
FSC		Federal "Species of Concern" (also called "Species at Risk"). Formerly defined as a taxon under consideration for which there is insufficient information to support listing; formerly designated as a Candidate 2 (C2) species. Currently, the US Fish and Wildlife Service does not recognize this as an official designation.
T(S/A)		Threatened due to Similarity of Appearance. Species with this designation are not considered biologically endangered or threatened and are listed for trade purposes. [The American Alligator has this designation due to similarity of appearance to other rare crocodylians. The Bog Turtle (southern population) has this designation due to similarity of appearance to Bog Turtles in the threatened northern population.]

Please note that the US Fish and Wildlife Service no longer recognizes the following categories:

3A	Candidate 3A	A taxon formerly under consideration for listing, but for which there is "persuasive evidence of extinction."
3B	Candidate 3B	A taxon formerly under consideration for listing, but which current taxonomic understanding does not support as a distinct entity meeting the Endangered Species Act's definition of "species."
3C	Candidate 3C	A taxon formerly under consideration for listing, but which has been "proven to be more abundant or widespread than previously believed and/or [which is] not subject to any identifiable threat."

SCIENTIFIC NAME	COMMON NAME	STATE STATUS	FED. STATUS	STATE RANK	GLOBAL RANK
<b>Durham</b>					
<b>Vertebrates</b>					
Accipiter cooperii	Cooper's Hawk	SC	-	S3B, S3N	G5
Ambloplites cavifrons	Roanoke Bass	SR	-	S3	G3
Haliaeetus leucocephalus	Bald Eagle	E	T	S2B, S2N	G4
Hemidactylium scutatum	Four-toed Salamander	SC	-	S3	G5
Necturus lewisi	Neuse River Waterdog	SC	-	S3	G3
Noturus furiosus pop 1	Carolina Madtom - Neuse River Population	SC	-	S2	G3T2Q
<b>Invertebrates</b>					
Alasmidonta undulata	Triangle Floater	T	-	S2	G4
Erynnis martialis	Mottled Dusky Wing	SR	-	S3	G4
Fusconaia masoni	Atlantic Pigtoe	T	FSC	S1	G2
Gomphus septima	Septima's Clubtail	SR	FSC	S1	G2
Lampsilis cariosa	Yellow Lampmussel	T	FSC	S1S2	G4
Lampsilis radiata	Eastern Lampmussel	SC	-	S1S2	G5
Lasmigona subviridis	Green Floater	E	FSC	S1	G3
Somatogyryrus virginicus	Panhandle Pebblesnail	SR	FSC	S1?	G1G3
Strophitus undulatus	Squawfoot	T	-	S2S3	G5
Tachopteryx thoreyi	Gray Petaltail	SR	-	S3?	G4
Villosa constricta	Notched Rainbow	SR	-	S2S3	G3G4
Villosa delumbis	Eastern Creekshell	SR	-	S3?	G4
<b>Vascular plants</b>					
Agalinis decemloba	Piedmont Gerardia	SR	-	S2?	G4Q
Aster laevis var concinnus	Narrow-leaved Aster	C	-	S2	G5T4
Baptisia minor	Prairie Blue Wild Indigo	C/PT	-	S2	G4
Berberis canadensis	American Barberry	SR	-	S2	G3
Cardamine dissecta	Dissected Toothwort	C	-	S2	G4?
Cardamine douglassii	Douglass's Bittercress	SR	-	S2	G5
Carex bushii	Bush's Sedge	SR	-	SH	G4
Carex jamesii	James's Sedge	SR	-	S1	G5
Carex meadii	Mead's Sedge	SR	-	S1	G4G5
Carex vestita	Velvet Sedge	C	-	SH	G5
Delphinium exaltatum	Tall Larkspur	E-SC	FSC	S1	G3
Echinacea laevigata	Smooth Coneflower	E-SC	E	S1	G2
Enemion biternatum	Eastern Isopyrum	SR	-	S2	G5
Eupatorium godfreyanum	Godfrey's Thoroughwort	SR	-	S1	G4
Eupatorium incarnatum	Pink Thoroughwort	SR	-	S2	G5
Hexalectris spicata	Crested Coralroot	SR	-	S2	G4?
Hexastylis lewisii	Lewis's Heartleaf	SR	-	S3	G4
Liatris squarrulosa	Earle's Blazing Star	SR	-	S2	G4G5
Lithospermum canescens	Hoary Puccoon	SR	-	S1	G5
Matelea decipiens	Glade Milkvine	SR	-	S2	G5
Monotropsis odorata	Sweet Pinesap	C	FSC	S3	G3
Panax trifolius	Dwarf Ginseng	SR	-	S3	G5
Parthenium auriculatum	Glade Wild Quinine	C	-	S1	G3?Q
Platanthera peramoena	Purple Fringeless Orchid	C	-	S1	G5
Porteranthus stipulatus	Indian Physic	SR	-	S2	G5
Prunus pumila var susquehanae	Susquehanna Cherry	C	-	SH	G5T4
Rhus michauxii	Michaux's Sumac	E-SC	E	S2	G2
Ruellia humilis	Low Wild-petunia	T	-	S1	G5
Ruellia purshiana	Pursh's Wild-petunia	SR	-	S2	G5
Scirpus pendulus	Rufous Bulrush	SR	-	S1	G5
Scutellaria leonardii	Shale-barren Skullcap	C	-	S1	G4
Scutellaria nervosa	Veined Skullcap	SR	-	S1	G5
Silphium terebinthinaceum	Prairie Dock	C	-	S2	G4G5
Solidago rigida ssp glabrata	Southeastern Bold Goldenrod	SR	-	S2	G5T4
<b>Natural communities</b>					
Basic Mesic Forest (Piedmont Subtype)	-	-	-	S2	G5T3
Basic Oak--Hickory Forest	-	-	-	S3	G4
Dry-Mesic Oak--Hickory Forest	-	-	-	S5	G5
Floodplain Pool	-	-	-	S2	G3?
Mesic Mixed Hardwood Forest (Piedmont Subtype)	-	-	-	S4	G5T5
Piedmont Monadnock Forest	-	-	-	S4	G5
Piedmont/Coastal Plain Heath Bluff	-	-	-	S3	G4?

SCIENTIFIC NAME	COMMON NAME	STATE STATUS	FED. STATUS	STATE RANK	GLOBAL RANK
Piedmont/Low Mountain Alluvial Forest	-	-	-	S5	G5
Piedmont/Mountain Bottomland Forest	-	-	-	S3?	G5
Piedmont/Mountain Levee Forest	-	-	-	S3?	G5
Piedmont/Mountain Semipermanent Impoundment	-	-	-	S4	G5
Piedmont/Mountain Swamp Forest	-	-	-	S1	G2
Upland Depression Swamp Forest	-	-	-	S2	G3
Upland Pool	-	-	-	S1	G1
Xeric Hardpan Forest	-	-	-	S3	G3G4

**Durham\***

**Vascular plants**

<i>Panicum flexile</i>	Wiry Panic Grass	SR	-	S1	G4G5
<i>Thermopsis mollis sensu stricto</i>	Appalachian Golden-banner	SR	-	S2	G3G4

**Durham\*\***

**Vertebrates**

<i>Etheostoma collis</i>	Carolina Darter	SC	-	S3	G3
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## North Carolina Department of Cultural Resources

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

Division of Archives and History  
Jeffrey J. Crow, Director

September 23, 1998

J. Frank Braxton, RLA  
Sungate Design Group, PA  
915-A Jones Franklin Road  
Raleigh NC 27606

Re: Waste Industries, Inc., LCID landfill, Durham  
County, ER 99-7386

Dear Mr. Braxton:

Thank you for your letter of September 4, 1998, 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 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".

David Brook  
Deputy State Historic Preservation Officer

DB:slw

cc: Jim Coffey, Division of Waste Management, DENR



U.S. ARMY CORPS OF ENGINEERS

Wilmington District

Action ID: 199821259 County: Durham

NOTIFICATION OF JURISDICTIONAL DETERMINATION

<b>Property</b>	<b>Authorized</b>
Owner <u>Waste Industries, Inc.</u>	Agent <u><del>Stingate Design Group, P.A.</del></u>
<u>Attn: Ven Poole</u>	<u>Attn: Frank Braxton</u>
Address <u>3949 Browning Place</u>	Address <u>915-A Jones Franklin Road</u>
<u>Raleigh, NC 27609</u>	<u>Raleigh, NC 27606</u>
Telephone Number <u>919-782-0095</u>	Telephone Number <u>919-859-2243</u>

**Size and Location of Property (waterbody, Highway name/number, town, etc.):**

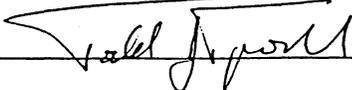
The property is approximately 37 acres in size and is located to the west of the intersection of Stone Rd. and Wren Rd., in Durham County, North Carolina. The site is adjacent to an unnamed tributary of Northeast Creek, above headwaters, in the Cape Fear River Basin.

**Indicate Which of the Following Apply:**

- ◇ There are waters of the U.S., to include wetlands, on the above described property which we strongly suggest should be delineated and surveyed. The surveyed wetland lines must be verified by our staff before the Corps will make a final jurisdictional determination on your property.
- ◇ Because of the size of your property and our present workload, our identification and delineation of your wetlands cannot be accomplished in a timely manner. You may wish to obtain a consultant to obtain a more timely delineation of the wetlands. Once the consultant has flagged a wetland line on the property, Corps staff will review it, and, if it is accurate, we strongly recommend that you have the line surveyed for final approval by the Corps. The Corps will not make a final jurisdictional determination on your property without an approved survey.
- The waters of the U.S., to include wetlands, on your lot have been delineated, and the limits of the Corps jurisdiction have been explained to you. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- ◇ There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- ◇ This project is located in the Neuse river basin. You should contact the North Carolina Division of Water Quality at (919) 733-1786 to determine additional requirements specific to this river basin.

Placement of dredged or fill material in wetlands on this property without a Department of the Army Permit is in most cases a violation of Section 301 of the Clean Water Act (33 USC 1311). A permit is not required for work on the property restricted entirely to existing high ground. If you have any questions regarding the Corps of Engineers regulatory program, please contact

Todd Tugwell at telephone number (919) 876 - 8441 extension 26

Project Manager Signature 

Date November 3, 1998 Expiration Date November 3, 2003

SURVEY PLAT OR FIELD SKETCH OF THE DESCRIBED PROPERTY AND THE WETLAND DELINEATION FORM MUST BE ATTACHED TO THE YELLOW (FILE) COPY OF THIS FORM.

## OPERATIONAL NARRATIVE

.0565(4) An operational plan addressing the requirements under Rule .0566 of this section and containing the following information shall be submitted with the application for a proposed Land Clearing and Inert Debris (LCID) Landfill.

(a) Name, address and phone number of individual responsible for operation and maintenance of the facility.

Lee Bodenhamer  
148 Stone Park Court  
Durham, North Carolina 27703  
(919) 596-1363

(b) Projected use of the land after completion.

The projected use of the land, after completion of the landfill operations is anticipated to be incorporated into the "campus" plans as outdoor storage areas and a possible future building site. In order for an area to be used as a building site, the fill operation and materials will be monitored to insure beneficial fill only and controlled placement/compaction.

(c) Description of systematic usage of disposal area, operation, orderly development and closure of the landfill.

The site of the proposed LCID Landfill was previously used as a brick mine by Borden Brick Company and the result landscape is a deep pit surrounded by overburden material. The initial operation will embrace the excavation and shaping of the existing pit to maximize the air space and position the cover material for future use. The excavated pit area will be fill/compacted with the incoming material in a sequence beginning at the furthestmost area. Each fill area will receive an approximate 10 feet compacted layer prior to cover or as required under Rule .0566(4). After the initial fill/cover of the existing open pits, a systematic placement of additional layers will follow allowing a balance of "incoming" materials and cover. Additionally, the Haul Road shall be field adjusted to compensate for the elevation changes created by the fill operations. In all cases, the fill areas shall be created/located to provide positive drainage to the sediment/stormwater riser basins and prevent any surface ponding.

The closure of the landfill will be a continued function of the development with each area receiving a one foot (min) layer of cover material. Each completed area shall be graded to provide uniform side slopes (3:1 min) and top grades as shown on the attached plans. As a protection of the side slopes, a top berm shall be constructed along the perimeter and diversion ditches installed to direct surface flow to a series of slope drains. A ditch is proposed along the slope toe to convey the runoff to the sediment/stormwater riser basin. After the completion of each area, or in accordance with Rule .0566(7), stabilization materials shall be installed. As part of the City of Durham Permit, a "Bond" has been posted for 1 ½ times the value for seeding and plant materials.

(d) Type, source and quantity of waste to be accepted.

Type: Stumps, trees, limbs, brush, grass and other naturally occurring vegetative material as well as concrete, brick, concrete block, used asphalt or used asphalt mixed with dirt, sand, uncontaminated soils, gravel, untreated/unpainted wood, yard trash, drywall, shingles and other items approved by the N.C. Solid Waste Division.

Source: Public and private sources in the Triangle Area to include but not be limited to Durham County, Wake County, Orange County, RTP, etc.

Quantity: 30,000 - 40,000 tons/year

(e) An emergency plan, including fire fighting procedures.

Waste Industries has incorporated an Emergency Operation Plan with all of their operational centers. This program includes actions required for accidents, fire and evacuation. With regard to the proposed LCID Landfill, the operation and access shall be monitored in order to maintain a safe working environment. Additionally, all employees will be trained for the appropriate job requirements and the company's Risk Management Officer shall periodically review the operation activities.

In Case of Accidents or Fire, the Durham City/County Police, Fire and Emergency Management Agencies shall be contacted via the 911 Emergency Call System. As an added element to the site design, two access points are provided for emergency access to the site. Regarding fire protection, a fire hydrant shall be installed adjacent to the Haul Road at the Landfill Boundary. The fire hydrant will provide "wet down" water flow and supplement the overall site fire protection. This property is within the City of Durham and subject to public services.

.0566 Operational Requirements for Land Clearing/Inert Debris (LCID) Landfills.

Waste Industries is proposing to develop a "Solid Waste Management and Processing Campus" within the Stone Road Industrial Park. The proposed project is located in the southeast quadrant of Durham County and will consist of approximately 37 acres. The uses will include Administrative Office and Trucking Terminal, Recycling Center, Transfer Station, Woodwaste Processing Area, and a Land Clearing and Inert Debris Landfill. To date, the Administrative Offices and Trucking Station have received site plan approval and the Woodwaste Processing Area and LCID Landfill have been granted a Temporary Use Permit.

The Woodwaste Processing Area and LCID Landfill have been designed as an element of campus to function as both a depository for "incoming" materials and "by products" of the Woodwaste and Recycling Processing. The anticipated materials may include stumps, trees, limbs, brush, grass and other naturally occurring vegetative material as well as concrete, brick, concrete block, used asphalt or used asphalt mixed with dirt, sand, uncontaminated soils, gravel, untreated/unpainted wood and yard trash.

The Woodwaste Processing Area and LCID Landfill are "owner controlled" facilities that are staffed during operational hours. All access is controlled through a gated entrance which will also include a truck scale to record inventory and volume.

As part of the overall campus, the trucking traffic is separated from the general employee and public traffic with regard to access and parking. As policy, public visitors are required to "check in" at the Administrative Office prior to entering the operational area. To further promote safety, the entire campus area will be fenced to prohibit unauthorized access. Emergency access is accommodated through either the main entrance or a secondary entrance through the truck parking and storage yard. Public roadways provide access to the campus.

The "incoming" materials shall be inspected and, if required, dumped and sorted to remove those materials prohibited or requiring recycling. Once approved for disposal, the material shall be transported via a gravel surface haul road to the appropriate cell, deposited and compacted as needed to maximize the volume. No materials shall be disposed in water and the open burning of solid waste is prohibited. As part of the project planning and on-going construction, cover materials have to be stockpiled to provide periodic and final cover. The cover material shall be applied on a monthly basis or after the active cell becomes one acre in size, whichever first occurs. Disposal areas shall be covered with one foot of soil cover within 120 calendar days after completion or upon revocation of a permit. The cover materials shall be sloped to allow a controlled surface water runoff condition.

The siting, buffers and setbacks are anticipated to control the concentration of explosive gases to not exceed twenty-five percent (25%) of the lower explosive limit for the gases in structures and the lower explosive limit for the gases at the property boundary. Additionally, best management practices shall be used to manage any generated leachate.

The facility design will use the existing berm along the northern boundary (intermittent stream) and riser basins for both erosion control and stormwater management. Additionally, as a means of controlling the surface water on the slope face, a perimeter top berm shall be constructed and diversion ditches used to divert the surface water to a series of slope drains. As a final product, the site shall be landscaped/stabilized and the riser berm refurbished to serve as a stormwater management device.

A sign shall be posted at the facility's entrance providing a contact name, emergency telephone number and the issued permit number.

**CLOSURE CONDITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) An individual permit from the Division of Solid Waste Management is not required for Land Clearing and Inert Debris (LCID) landfills that meet all of the following conditions:
  - (a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management.
  - (b) The total disposal area is under two acres in size.
  - (c) The facility and practices comply with the siting criteria under Rule .0564, and operational requirements under Rule .0566.
  - (d) The fill activity is not exempt from, and must comply with all other Federal, State, or Local laws, ordinances, Rules, regulations, or orders, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, sedimentation and erosion control requirements, and mining regulations.
- (2) Where an individual permit is not required, the following applies:
  - (a) The owner of the land where the landfill is located must notify the Division on a prescribed form, duly signed, notarized, and recorded as per Sub-item (2)(b) of this Rule. The operator of the landfill, if different from the land owner, shall also sign the notification form.
  - (b) The owner must file the prescribed notification form for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording shall be sent to the Division of Solid Waste Management.
  - (c) When the land on which the Land Clearing and Inert Debris Landfill is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification.
- (3) An individual permit is required, except for landfills subject to Item (5) of this Rule, for the construction and operation of a Land Clearing and Inert Debris (LCID) landfill when:
  - (a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management, and
  - (b) The total disposal area is greater than two acres in size.
- (4) Individual permits for land clearing and inert debris landfills shall be issued for not

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

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

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

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

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

- 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.

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

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

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

- (1) The following information is required in order to review and approve the siting of a Land Clearing and Inert Debris (LCID) landfill:
  - (a) An approval letter from the unit of local government having zoning authority over the area where the facility is to be located stating that the site meets all of the requirements of the local zoning ordinance, or that the site is not zoned.
  - (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 of this Section.
  - (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.
  - (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 of this Section and containing the following information shall be submitted with the application for a proposed Land Clearing and Inert Debris (LCID) landfill:

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

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

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

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

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

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

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

**SECTION .0600 - MONITORING REQUIREMENTS**

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

**.0601 GROUND-WATER MONITORING**

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

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

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

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

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

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

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

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

**.0602 SURFACE WATER MONITORING**

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

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

SITE LOCATION MAP

FOR

WASTE INDUSTRIES  
SOLID WASTE MANAGEMENT CAMPUS  
148 STONE PARK COURT  
DURHAM, NORTH CAROLINA 27703



DURHAM CITY/COUNTY INSPECTIONS  
TEMPORARY USE PERMIT  
DEMOLITION LANDFILL

SUBSURFACE INVESTIGATION

AND

GROUND WATER EVALUATION

# DURHAM CITY - COUNTY BUILDING PERMIT

*Anna Hogue*  
Inspector

PERMIT NO.: 9803252

DATE ISSUED: 10/29/1998

JOB ADDRESS: 0148 STONE PARK CT

TYPE PAYMENT: CASH

ADDRESS DESCRIPTION:

JURISDICTION: COUNTY

OWNER: WASTE INDUSTRIES

*Joseph H. Clark*  
Senior Plans Examiner

ARCHITECT:

PHONE NUMBER:

TYPE OCCUPANCY: FACTORY/INDUSTRIAL

TYPE APPLICATION: TEMPORARY USE

ESTIMATED COST OF CONSTRUCTION			ZONING: I3	
GENERAL.....	WASTE INDUSTRIES	COST:	HD:	
PLUMBING.....		COST:	BOA:	
ELECTRICAL.....		COST:	IP: N	LS
MECHANICAL.....		COST:	CWS: N	FF
OTHER.....		COST:	MTC: N	SB
TOTAL BUILDING COST:			FD: N	SP
			WP: N	
NUMBER OF BATHS:		TYPE OF CONSTRUCTION:	T4-UNPR-UNSP-NONCOMB	
NUMBER OF BEDROOMS:		TYPE OF HEAT:	NOT APPLICABLE	
NUMBER OF ROOMS:		TYPE OF ROOF:	NOT APPLICABLE	
NUMBER OF STORIES:		SQ. FT. LAND AREA:	RS:	
NUMBER OF UNITS:		SQ. FT. FLOOR AREA:	R:	
NUMBER OF HANDICAP UNITS:		NO. PARKING SPACES:	HT:	
BASEMENT: N		NO. HANDICAP PARKING SPACES:	TOTAL BUILDING PERMIT:	28.

TAX MAP REFERENCE: 0641 02 000 00

JOB DESCRIPTION: TEMPORARY DEMOLITION LANDFILL (6/19/98 THRU 6/18/2003)

WASTE INDUSTRIES  
148 STONE PARK CT  
DURHAM NC

STATE LICENSE NO.:

*JB*  
Permit Clerk

PHONE NUMBER: 919 859 2243

This permit is hereby granted subject to compliance with the North Carolina State Building Code, the Durham City/County Zoning Ordinance, and all other applicable state and local laws.

*Dorothy Clark*

*Gene Bradham*



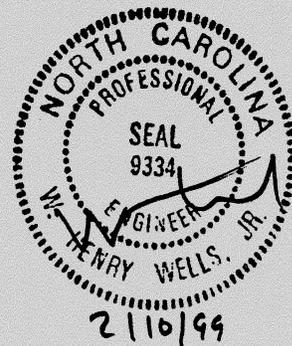
APPLICATION FOR:

**LAND CLEARING and INERT DEBRIS LANDFILL**

**WASTE INDUSTRIES--DURHAM DISTRICT  
SOLID WASTE MANAGEMENT CAMPUS  
DURHAM, NORTH CAROLINA**

OWNER:

**WASTE INDUSTRIES, INC.  
3949 BROWNING PLACE  
RALEIGH, NC 27609**



DESIGNER:

**SUNGATE DESIGN GROUP, PA  
915A JONES FRANKLIN ROAD  
RALEIGH, NC 27606  
919-859-2243**

APPLICATION FOR:

**LAND CLEARING and INERT DEBRIS LANDFILL**

**WASTE INDUSTRIES--DURHAM DISTRICT  
SOLID WASTE MANAGEMENT CAMPUS  
DURHAM, NORTH CAROLINA**

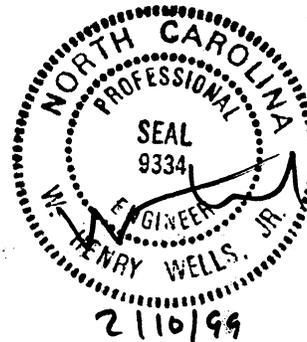


**APPROVED**  
DIVISION OF SOLID WASTE MANAGEMENT  
DATE 4/16/99 BY [Signature]

*CENTRAL FILE COPY*

**OWNER:**

**WASTE INDUSTRIES, INC.  
3949 BROWNING PLACE  
RALEIGH, NC 27609**



**DESIGNER:**

**SUNGATE DESIGN GROUP, PA  
915A JONES FRANKLIN ROAD  
RALEIGH, NC 27606  
919-859-2243**

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NORTH CAROLINA  
SOLID WASTE MANAGEMENT  
RULES (15A NCAC 13B)

.0562 LAND CLEARING and INERT DEBRIS  
(LCID) LANDFILL

**CLOSURE CONDITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) An individual permit from the Division of Solid Waste Management is not required for Land Clearing and Inert Debris (LCID) landfills that meet all of the following conditions:
  - (a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management.
  - (b) The total disposal area is under two acres in size.
  - (c) The facility and practices comply with the siting criteria under Rule .0564, and operational requirements under Rule .0566.
  - (d) The fill activity is not exempt from, and must comply with all other Federal, State, or Local laws, ordinances, Rules, regulations, or orders, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, sedimentation and erosion control requirements, and mining regulations.
- (2) Where an individual permit is not required, the following applies:
  - (a) The owner of the land where the landfill is located must notify the Division on a prescribed form, duly signed, notarized, and recorded as per Sub-item (2)(b) of this Rule. The operator of the landfill, if different from the land owner, shall also sign the notification form.
  - (b) The owner must file the prescribed notification form for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording shall be sent to the Division of Solid Waste Management.
  - (c) When the land on which the Land Clearing and Inert Debris Landfill is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification.
- (3) An individual permit is required, except for landfills subject to Item (5) of this Rule, for the construction and operation of a Land Clearing and Inert Debris (LCID) landfill when:
  - (a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management, and
  - (b) The total disposal area is greater than two acres in size.
- (4) Individual permits for land clearing and inert debris landfills shall be issued for not

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

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

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

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

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

- 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.

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

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

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

- (1) The following information is required in order to review and approve the siting of a Land Clearing and Inert Debris (LCID) landfill:
  - (a) An approval letter from the unit of local government having zoning authority over the area where the facility is to be located stating that the site meets all of the requirements of the local zoning ordinance, or that the site is not zoned.
  - (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 of this Section.
  - (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.
  - (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 of this Section and containing the following information shall be submitted with the application for a proposed Land Clearing and Inert Debris (LCID) landfill:

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

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

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

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

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

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

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

### SECTION .0600 - MONITORING REQUIREMENTS

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

#### **.0601 GROUND-WATER MONITORING**

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

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

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

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

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

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

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

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

#### **.0602 SURFACE WATER MONITORING**

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

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



SITE LOCATION MAP

FOR

WASTE INDUSTRIES  
SOLID WASTE MANAGEMENT CAMPUS  
148 STONE PARK COURT  
DURHAM, NORTH CAROLINA 27703



DURHAM CITY/COUNTY INSPECTIONS  
TEMPORARY USE PERMIT  
DEMOLITION LANDFILL

15 October, 1998

Mr. Donnie Clark  
Durham Inspections Department  
City Hall Plaza  
Durham, NC

**RE: TEMPORARY USE PERMIT FOR A DEMOLITION LANDFILL  
OWNED AND OPERATED BY WASTE INDUSTRIES, INC.**

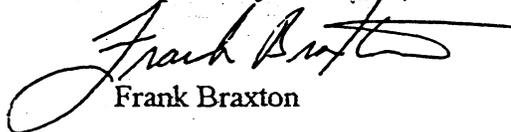
Dear Mr. Clark:

As per our discussion, I am submitting the required documents for the issuance of a Temporary Use Permit for a Demolition Landfill as outline in Section 14 of the Durham City/County Zoning Ordinance.

To conform with the Application Requirements, I have attached an "application narrative" outlining the specific items contained in Section 14.2 APPLICATION. Additionally, the requirements contained within Section 14.4 SUPPLEMENTARY REQUIREMENTS OF CERTAIN USES (8) Demolition Landfills are included.

I look forward to working with you on this project and please contact me should you have questions or desire additional information.

Respectfully submitted,

  
Frank Braxton

cc: Ven Poole, Waste Industries, Inc.

10/22/99

**APPLICATION  
FOR  
TEMPORARY LANDFILL**

**WASTE INDUSTRIES  
DURHAM DISTRICT CAMPUS  
L.C.I.D. LANDFILL and  
WOODWASTE PROCESSING**

**Sungate Design Group, PA  
915 A Jones Franklin Road  
Raleigh, North Carolina  
919-859-2243**

**TEMPORARY USE PERMIT  
DEMOLITION LANDFILL  
WASTE INDUSTRIES, INC.**

**SECTION 14 TEMPORARY USE PERMITS**

**14.2 APPLICATION**

- 1. A description of the proposed use, the proposed beginning and ending dates and the proposed hours of operation.**

Waste Industries proposes to operate a Land Clearing and Inert Debris Landfill (LCID) and a Woodwaste Processing as part of their solid waste management operations located at their Durham District Campus. This operation is considered a reclamation project to convert an abandoned brick mine into a useable industrial site. The proposed use is for the controlled depository of land-clearing and inert debris as well as the "by-products" generated from woodwaste processing. The anticipated materials will consist of inert materials such as rock, soil, concrete, etc. and non-treated wood products. The materials will be imported to the site and collected within a staging area. The wood materials will be processed as a fuel source (waste to energy program) and landscaping mulch. The balance of the imported materials will be deposited in the staging area for inspection and processing. The inert materials and wood by-products will be transported to the appropriate landfill cell. The processed wood materials will be exported and the unsuitable fill materials hauled to a permitted Sanitary Landfill or Transfer Station.

As indicated, this proposed use is viewed as a process to reclaim an abandoned mining pit. Based on the pit volume and the anticipated volume of imported materials, the operational duration is projected to be 10 years. The beginning date is scheduled to be June 19, 1998 and closure in June 18, 2008. This temporary permit will extend for 5 years with a 5 year extension based on a performance review. The hours of operation will typically be from 6:30 am to 7:00 pm Monday through Friday and subject to seasonal fluctuation.

- 2. A description of the property to be used for the temporary use or event, including the location of the use in relation to other buildings, the location of parking and the location of streets to be used for access. Sufficient information shall be provided to assure that adequate parking is provided, that required parking for other uses remains available and the sufficient traffic control measures will be in place.**

The proposed LCID Landfill and Woodwaste Processing is a part of the Waste Industries Durham District Campus. The District Campus is a solid waste management operation located on 37 acres within the Stone Road Industrial Park. At present, the administrative offices and trucking terminal are under construction and scheduled to be completed in July,

**TEMPORARY USE PERMIT  
DEMOLITION LANDFILL  
WASTE INDUSTRIES, INC.**

1998. This proposed use is located on approximately 12 acres within the northwest section of the property. As noted previously, this site is located within the abandoned Borden Brick Mine and consist of an excavated area surrounded by overburden materials, a 50 feet North Carolina Public Gas Easement and a small intermittent stream. As part of the Campus, the access to the landfill area is controlled through a gated entrance which will also include truck scales to record inventory and volume. As a safety precaution, trucking traffic is separated from the general employee and public traffic with regard to access and parking. As policy, public visitors must "check-in" at the District Administrative Office prior to entering the operational area.

- 3. Sufficient information to determine that adequate provisions for trash disposal and sanitary facilities shall be provided. When appropriate, information on crowd control shall be required. The Inspections Department may consult with other City or County Departments to determine the suitability of the provision described in the application.**

The proposed use is a component of a Solid Waste Management Campus that is "owner controlled" and not subject to trash generation. As part of the operation, the imported materials are inspected and all "trash" will be placed in an on-site container. As policy, all trash, not suitable for LCID fill, will be transported to a permitted landfill or transfer station. Additionally, the site be periodically inspected to collect any litter or wind blown trash.

The proposed use is an outdoor activity that requires a minimum of employees and will not attract a large amount of public traffic. Sanitary facilities will be provided at the Administrative Office/Truck Terminal and in the proposed Recycling and Transfer Facility. (The Recycling and Transfer Facility is under appeal of County Special Use Permit Denial) In the short term, a "containerized toilet" will be placed near the operational area.

The proposed use as well as the entire District Campus will be have perimeter fencing installed for security and safety purposes. Access will be gate controlled and monitored.

- 4. Written permission of the property owner for the temporary use shall be required as part of the application.**

The property owner and the applicant is Waste Industries, Inc.

- 5. Additional information as may be required by the Inspections Department in order to protect the public safety.**

**TEMPORARY USE PERMIT  
DEMOLITION LANDFILL  
WASTE INDUSTRIES, INC.**

The proposed LCID Landfill and Woodwaste Processing requires a North Carolina Solid Waste Permit that embraces siting, design and operational requirements. This permit must be renewed at five (5) year intervals, thus providing a continued oversight by a North Carolina Regulatory Agency. The applicable permit requirements are outlined as follows:

**SITING:**

1. Shall not be located within the 100-year floodplain.
2. Shall not cause, contribute, result in or contribute to the taking of any endangered or threaten species of plants, fish or wildlife.
3. Shall not damage or destroy an archaeological or historical site.
4. Shall not have an adverse impact on a state park, recreation or scenic area.
5. Shall not be located in any wetland as defined in the Clean Water Act, Sect. 404(b).
6. Must have adequate soils for cover.
7. Shall not violate the requirements of the NPDES, Sect 402 or the Clean Water Act.
8. Disposal areas shall be a min. of four feet above the seasonal high water table.
9. Min. Buffer requirements from waste boundary:
  - a) 50 feet from all surface surface waters.
  - b) 100 feet from property lines.

**DESIGN:**

1. Site plans illustrating the above information in addition to the following:
  - a) Surveyed boundary with topography.
  - b) Existing features, easements and right-of-ways.
  - c) Proposed infrastructure and circulation systems.
  - d) Access control features.
  - e) Excavation and Restoration Plans.
  - f) Drainage Systems.
  - g) Sedimentation & Erosion Control Plan.
  - h) Test Boring locations.
  - i) Cross-sectional plan.

**OPERATION:**

1. Operational Plan addressing the following:
  - a) Ownership.
  - b) Responsible individual for operation and maintenance.
  - c) Projected use after completion.
  - d) Systematic usage, disposal, operation, development and closure of the landfill.
  - e) Waste identification.
  - f) Emergency plan, including fire fighting procedures.

TEMPORARY USE PERMIT  
DEMOLITION LANDFILL  
WASTE INDUSTRIES, INC.

2. Operational Requirements :

- a) Cover to be applied monthly or when active area reaches one acre in size, whichever occurs first.
- b) 120 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 drainage in a controlled manner.
- c) Adequate Sedimentation and Erosion Control measures, structures or devices shall be installed and maintained.
- d) Provision of ground cover in accordance with (b) above and the Sedimentation and Erosion Control Regulations.
- e) Facility security 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.
- f) Access roads shall be of all-weather construction.
- g) Surface water shall be diverted from the working face and not impounded over the waste.
- h) Waste shall not be disposed of in water.
- i) Open burning is prohibited.
- j) Signs shall be posted to display the permit number and the emergency contact data.

SECTION 14.4 SUPPLEMENTARY REQUIREMENTS FOR CERTAIN USES

8. **Demolition landfills:** Demolition or rubble landfills may be located in nonresidential zones or on residential parcels of ½ acre or larger. The site shall conform to all state and federal requirements. In some cases, additional screening may be required to protect the welfare of adjacent property. The applicant for a temporary use permit shall include supplementary information showing a plan for restoration of the site and provide some guarantee of funding to finance the restoration.

The proposed site is zoned Heavy Industrial - 3 and is within an industrial subdivision. As indicated, the use is part of a Solid Waste Management Campus. The use requires an individual permit from the North Carolina Department of Environment, Health and Natural Resources - Division of Waste Management and must be renewed every five years.

**TEMPORARY USE PERMIT  
DEMOLITION LANDFILL  
WASTE INDUSTRIES, INC.**

The site's boundary that separates the undeveloped residentially zoned property is an intermittent stream. The Durham Zoning Regulation requires a 25 feet Stream Buffer within a 40 feet zoning buffer. The state permit requirements require a 100 feet buffer from the waste boundary to the property line. The proposed restoration of this site shall include extensive pine tree plantings within (and beyond) the 100 feet buffer and grassing the balance of the landfill site. It is intended to control the material placement within the various cells to allow a future building site and provide additional storage yards. The restoration plan includes a cost estimate for the plantings and grassing. A bond or letter of credit shall be issued as directed for the amount equal to 1 1/2 times the estimate.

# DURHAM CITY - COUNTY BUILDING PERMIT

*Anna Spigone*  
Inspector

PERMIT NO.: 9803252

DATE ISSUED: 10/29/1998

JOB ADDRESS: 0148 STONE PARK CT

TYPE PAYMENT: CASH

ADDRESS DESCRIPTION:

JURISDICTION: COUNTY

OWNER: WASTE INDUSTRIES

*Joseph H. Chail*  
Senior Plans Examiner

ARCHITECT:

PHONE NUMBER:

TYPE OCCUPANCY: FACTORY/INDUSTRIAL

TYPE APPLICATION: TEMPORARY USE

ESTIMATED COST OF CONSTRUCTION		ZONING: I3
GENERAL..... WASTE INDUSTRIES	COST:	HD:
PLUMBING.....	COST:	BOA:
ELECTRICAL.....	COST:	IP: N LS
MECHANICAL.....	COST:	CWS: N FF
OTHER.....	COST:	MTC: N SB
TOTAL BUILDING COST:		FD: N SF
		WP: N
NUMBER OF BATHS:	TYPE OF CONSTRUCTION: T4-UNPR-UNSP-NONCOMB	
NUMBER OF BEDROOMS:	TYPE OF HEAT: NOT APPLICABLE	SET BACK: F:
NUMBER OF ROOMS:	TYPE OF ROOF: NOT APPLICABLE	LS:
NUMBER OF STORIES:	SQ. FT. LAND AREA:	RS:
NUMBER OF UNITS:	SQ. FT. FLOOR AREA:	R:
NUMBER OF HANDICAP UNITS:	NO. PARKING SPACES:	HT:
BASEMENT: N	NO. HANDICAP PARKING SPACES:	TOTAL BUILDING PERMIT: 28.

TAX MAP REFERENCE: 0641 02 000 00

JOB DESCRIPTION: TEMPORARY DEMOLITION LANDFILL (6/19/98 THRU 6/18/2003)

WASTE INDUSTRIES  
148 STONE PARK CT  
DURHAM NC

STATE LICENSE NO.:

*JB*  
Permit Clerk

PHONE NUMBER: 919 859 2243

This permit is hereby granted subject to compliance with the North Carolina State Building Code, the Durham City/County Zoning Ordinance, and all other applicable state and local laws.



SUBSURFACE INVESTIGATION

AND

GROUND WATER EVALUATION

May 9, 1997

Sungate Design Group, P.A.  
915 Jones Franklin Road  
Raleigh, NC 27606

ATTENTION: Mr. Frank Braxton

**Report of Subsurface Investigation and  
Ground Water Evaluation  
Stone Road Industrial Park  
Raleigh, North Carolina  
Our Project Number 121-97-07381**

Gentlemen:

TerraTech Engineers, Inc. has completed the requested subsurface investigation and groundwater evaluation for the above referenced project. The results of our field investigation and evaluations are enclosed herewith.

**Scope of Services**

The main objective of the study was to evaluate the groundwater conditions at the subject site. A site plan, indicating the location of the three requested borings, is provided as Figure 1 in the Appendix.

**Investigative Procedures**

The subsurface investigation consisted of the requested three soil test borings at the site. The borings were performed at the approximate locations indicated on Figure 1, included in the Appendix. The soil test borings were performed to a depth 10 feet below the existing ground surface. The borings were located in the field by a representative of TerraTech Engineers, Inc. by measuring distances and angles from existing site reference points. Ground surface elevations were not provided to us. In general, the locations of the test borings should be considered approximate.

Our field examinations consisted of auger drilling techniques using truck-mounted drilling equipment. Hand augering was performed in boring B-2 to restore the integrity of the hole, due to caving-in of the hole. Observation wells were installed in each boring to provide a more accurate recording of ground water levels. Figure 2 in the Appendix illustrates the well construction used. Ground water readings in each of the borings were recorded at periodic intervals and are included in Table 1 in the Appendix.

**General Site Conditions**

**Site Location and Description**

The subject site is an approximately 35.5 acre tract located north of Stone Road in Durham County, North Carolina. The property itself contains no buildings or structures but has several dirt roads running throughout. Site topography is generally sloping downwards to the south and southwest towards a small creek which forms part of the western property line. A majority of the site is eroded

and gullied with outcroppings of sandstone and siltstone. Relief across the property is on the order of 30 to 40 feet mainly due to previous excavations of the western portion of the site.

### Regional Geology

The site is located in the Piedmont Physiographic Province of North Carolina. Based on a review of geologic maps, it appears that the site is located within a geologic unit known as the Chatham Group of the Durham Triassic Basin.

The Durham Triassic Basin, one of several trough shaped basins in the Piedmont, was created approximately 200 million years ago when faulting activity caused long, narrow areas to drop several thousands of feet relative to the surrounding area. Soil and rock materials were then eroded from the surrounding areas and deposited in fresh water lakes within the basin to form sedimentary rocks. The sedimentary rocks in this area typically consist of sandstones, siltstones, shales, conglomerates, and fanglomerates. Isolated calcareous zones are present in the fine-grained rocks, and occasional coal beds are interbedded with the shales and siltstones. Conglomerates and fanglomerates are typically found along the western and eastern edges of the basin.

Soils in the Durham Triassic Basin have been formed by the in-place weathering of the underlying rock, which accounts for their classification as "residual" soils. The residual soils typically consist of clayey silts, sandy silts, and silty sands. However, pockets of relatively plastic silts and clays have been encountered within less plastic, coarser grained soils, in many instances. Boulders are commonly encountered within the residual soil mass in this area.

### General Subsurface Conditions

From the ground surface, all of the test borings encountered residual soils, consisting generally of sandy silts and clayey silts, to the depth of boring termination.

Auger refusal was not encountered in the test borings. Auger refusal is the depth at which the boring cannot be further advanced using conventional soil drilling techniques.

Based on review of the soil survey of Durham County, the surface soils at the site exhibit moderate infiltration and very low permeability.

### Ground Water Conditions

Ground water was not encountered in the test borings at the time of our field investigation. Ground water levels were recorded at various intervals during a three week period, April 22 through May 9, 1997. These are provided in the attached Table 1. According to the City of Durham Storm Water Management Department, rainfall for the southeast Durham totaled 2.92 inches during this period of time. It should be noted that ground water levels will fluctuate depending on seasonal variations of precipitation and other factors, and may occur at higher or lower elevations at some time in the future.

Closure

We appreciate the opportunity to provide this subsurface investigation and ground water evaluation. If you have any questions about this report, or if we can be of additional service, please do not hesitate to contact us.

Sincerely,

TerraTech Engineers, Inc.



Anthony B. Williams, E.I.T.  
Project Manager

ABW/bb

Enclosures



Erwin T. Williams III, P.E.  
Senior Geotechnical



**APPENDIX**

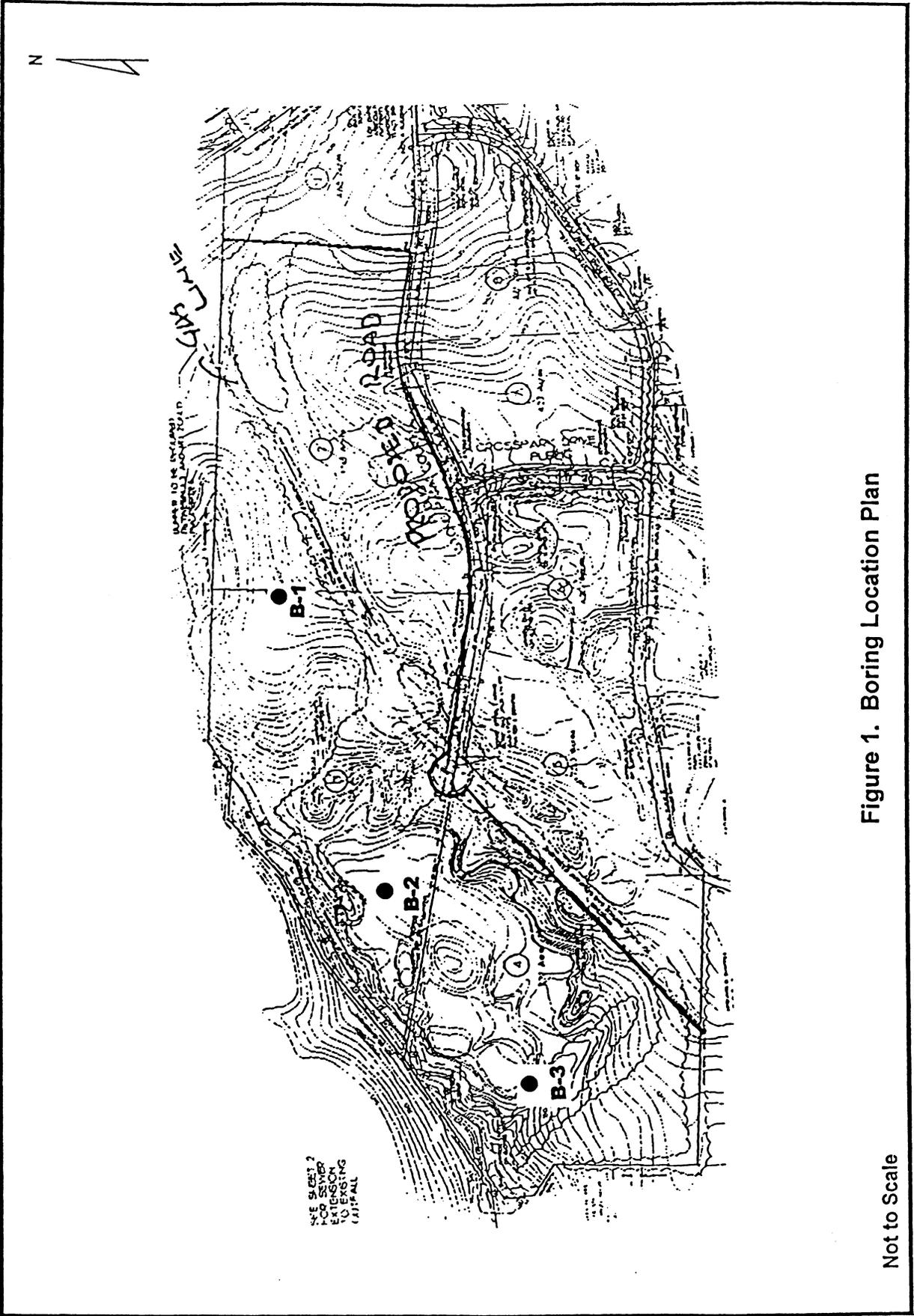


Figure 1. Boring Location Plan

Project: Stone Road Industrial Park  
Durham County, North Carolina  
Our Project Number 121-97-07381

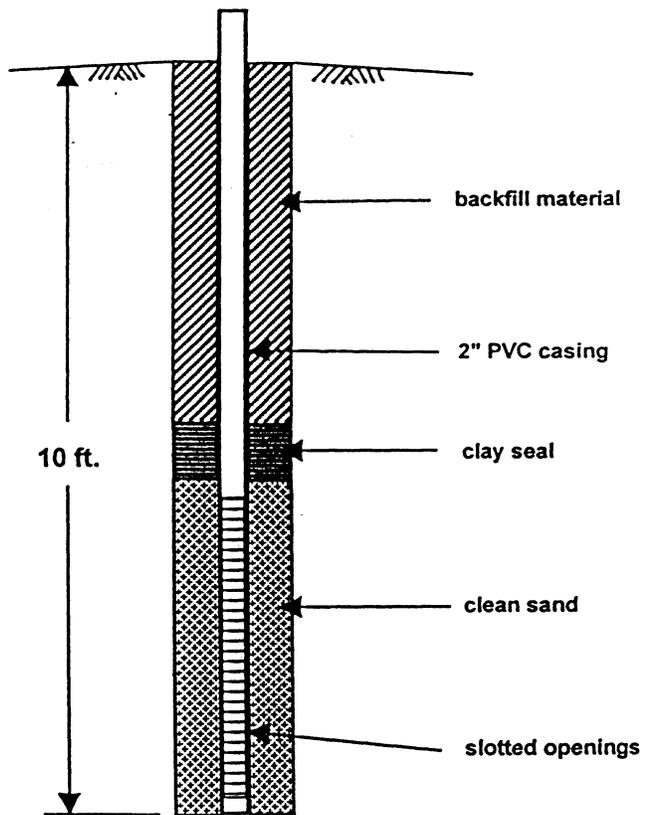


Figure 2. Observation Well Construction

Not to Scale

Legend:

Project: Stone Road Industrial Park  
Durham County, North Carolina  
Our Project Number 121-97-07381

**TABLE 1**

**Summary of Ground Water Levels  
Stone Road Industrial Park  
Our Project Number 121-97-07381**

Boring Number	Depth to Boring Termination (feet)	Depth to Ground Water TOB (feet)	Depth to Ground Water 24 hours (feet)	Depth to Ground Water 16 days** (feet)	Depth to Ground Water 18 days (feet)
B-1	10.0	N.E.	N.E.	3.3	3.9
B-2	10.0	N.E.	*	3.3	3.0
B-3	10.0	N.E.	6.0	4.3	4.9

\* Boring opening damaged by surface drainage. Repaired by hand augering.

\*\*Temporary observation wells installed 8 days after borings drilled.

TOB – Time of boring  
N.E. - Not encountered



WRITTEN COMPLIANCE REPORT

.0565(1)(d) A written report indicating that the facility shall comply with all the requirements set forth under Rule .0564 of this Section.

Waste Industries proposes to develop and operate a Land Clearing and Inert Debris Landfill (LCID) and a Materials Processing Area as part of their operations located at their Durham District Campus. The District Campus is a solid waste management operation located on 37 acres within the Stone Road Industrial Park. At present, the administrative offices and trucking terminal have been constructed and are scheduled to begin operation in early 1999.

This proposed use is located on approximately 12 acres within the northwest section of the property. This particular area is within the abandoned Borden Brick Mine and consist of an excavated pit surrounded by overburden materials. The proposed site is not located in the 100-year floodplain, does not cause an adverse impact on any endangered species, damage or destroy an archaeological or historical site and does 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. The appropriate documentation is provided as part of this application. Additionally, this site is not located in any wetland(s) as defined in the Clean Water Act, Section 404(b). However, there are jurisdictional waters of the U.S. (Property Boundary) and there will be no discharge of dredge or fill material into the waters of the U.S. or into wetlands.

During the construction of the Administrative Offices and Trucking Terminal, excess excavated materials were stockpiled and incorporated with the existing overburden to provide a source of adequate cover material. This material shall be relocated as needed to provide an efficient access route for the periodic and final cover.

A subsurface investigation and ground water evaluation was undertaken to establish a "base line" elevation related to the seasonal high water table and disposal area separation. A four (4) feet separation between the seasonal high water table and the base of the disposal area has been incorporated within the construction plans. The surface water control system included both a sedimentation control and a surface water conveyance system. As a result of the previous mining operation, an earthen berm was constructed along the lower elevation of the site and parallel to the small creek (property line) and has been modified to create a linear impoundment. This impoundment will serve as a sedimentation basin.

The proposed disposal area has been designed to conform to the prescribed buffer requirements. A 100 feet waste boundary has been established along all adjacent property boundaries and between the future Recycling Center/Transfer Station. Where the property boundary is the centerline of a creek, the 100 feet waste boundary includes the 50 feet buffer required from all surface waters as well as the local government requires a 25 feet stream buffer and a 40' zoning buffer.

The proposed facility has received Site Plan Approval from the Durham City/ County Planning Department and a Temporary Use Permit has been issued by the Durham City/County Inspections Department. A copy of the Application for a LCID Landfill and a Woodwaste Processing Area is included along with the executed permit.

Written Report  
Waste Industries, Inc.  
LCID Landfill  
Durham District Campus



**OWNERSHIP DEED**

WYRICK, ROBBINS, YATES & PONTON L.L.P.  
ATTORNEYS AT LAW

THE SUMMIT  
4101 LAKE BOONE TRAIL, SUITE 300  
RALEIGH, NORTH CAROLINA 27607-7506

MAILING ADDRESS  
POST OFFICE DRAWER 17803  
RALEIGH, NORTH CAROLINA 27619

REAL ESTATE TELECOPIER  
(919) 571-7300

TELEPHONE  
(919) 781-4000

SAMUEL T. WYRICK, III  
LARRY E. ROBBINS  
JAMES M. YATES, JR.  
ROBERT A. PONTON, JR.  
MADISON E. BULLARD, JR.  
F. DANIEL BELL, III  
ERIC A. VERNON  
J. KEMP SHERRON, III  
CAROLYN M. DUDZIK  
STEPHEN C. BRISSETTE  
L. DIANE TINDALL  
ERIC R. SPENCE  
ROGER W. KNIGHT  
GRADY L. SHIELDS  
J. CHRISTOPHER LYNCH  
DONALD R. REYNOLDS  
E. WILLIAM KRATT  
PAMELA P. KEENAN  
ROBERT P. RUSCHER

JOHN F. WIBLE  
STEPHEN D. CELESTINI  
ALEXANDRA M. HIGHTOWER  
CHARLES W. CLANTON  
JEFFREY J. JOHNSON  
CHARLES H. MUNN, JR.  
DAVID A. KIRKBRIDE  
KEVIN A. PRAKKE  
LEE M. WHITMAN  
THOMAS D. APPLEWHITE  
D. CALDWELL BAREFOOT, JR.

OF COUNSEL  
J. ANTHONY PENRY  
BENJAMIN N. THOMPSON

JOHN C. BRYCE  
(1954-1992)

February 25, 1997

Mr. Ven Poole  
WASTE INDUSTRIES, INC.  
3949 Browning Place  
Raleigh, NC 27609

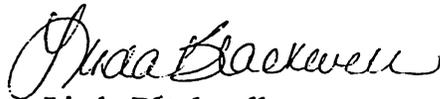
RE: Cherokee Sanford closing, Durham County

Dear Mr. Poole:

Enclosed are the original recorded Deed of Easement and General Warranty Deed, and copies of the Agreement and Indemnification Agreement in connection with the above-referenced closing. Your final Owner's Title Insurance Policy will be mailed directly to you from Lawyers Title in the next several days.

Should you have any questions, please feel free to call Jeff Johnson or me.

Sincerely,  
WYRICK, ROBBINS, YATES & PONTON L.L.P.

  
Linda Blackwell  
Real Estate Paralegal

Enclosures

STATE OF NORTH CAROLINA

COUNTY OF DURHAM

INDEMNIFICATION AGREEMENT

THIS INDEMNIFICATION AGREEMENT (the "Indemnification Agreement") is made this the 31 day of January, 1997 by and between CHEROKEE SANFORD, INC. ("Seller") and WASTE INDUSTRIES, INC. ("Buyer").

W I T N E S S E T H:

WHEREAS, Seller intends to sell to Buyer and Buyer intends to buy from Seller all of the property identified as Tract 2, Stone Road Industrial Park, 37.197 acres, Durham, North Carolina (the "Property", as described in Exhibit A attached)

WHEREAS, in connection with such sale, Seller and Buyer do not intend that Buyer will assume any liability for the debts evidenced and secured by the Durham County Tax Collector for tax year 1997, listed under Parcel ID #641-02-051 (64.852 acres), and Seller is responsible for such 1997 Durham County taxes ("Taxes"), except for the amount of \$1522.11, representing the prorated amount of 1997 ad valorem taxes, based on the 1996 value and rate, attributed to the Property ("Buyer's Taxes"); and

WHEREAS, in order to assure Buyer that it shall not assume or become liable for any of the Taxes except Buyer's Taxes, and that Seller shall timely pay the Taxes, Seller desires to provide Buyer with this Indemnification; and

WHEREAS, in order to assure Seller that it shall only be responsible for the Taxes less the amount of Buyer's Taxes and that Buyer shall pay to Seller the amount of Buyer's Taxes at such time as Seller pays the Taxes, Buyer desires to provide Seller with this Indemnification;

NOW, THEREFORE, for and in consideration of the sale of the Property and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Buyer and Seller hereby agree as follows:

1. Seller shall pay all Taxes before January 5, 1998;
2. Buyer shall pay to Seller upon demand and after notice the amount of the Buyer's Taxes at such time as Seller is prepared to pay the Taxes. In the event that the 1997 tax rate or value attributable to the Property differs from the 1996 tax rate or value, the amount paid by the Buyer shall be adjusted accordingly.
3. Seller indemnifies Buyer from and against any loss, claim or liability arising out of the Taxes (excluding Buyer's

Taxes) including without limitation the payment of any amounts due thereunder and the cost of defending against any such claims, including reasonable attorneys' fees, and Seller agrees that it shall remain fully responsible for payment of any amounts owing under the Taxes (excluding Buyer's Taxes) and for any and all liabilities arising thereunder.

4. Buyer indemnifies Seller from and against any loss, claim or liability arising out of the Buyer's Taxes, including without limitation the payment of any amounts due thereunder and the cost of defending against any such claims, including reasonable attorneys' fees, and Buyer agrees that it shall remain fully responsible for payment of any amounts owing under the Buyer's Taxes and for any and all liabilities arising thereunder.

5. This Indemnification shall survive the sale of the Property and shall remain in full force and effect until such time as the Taxes are paid in full, at which time this Indemnification shall terminate.

IN WITNESS WHEREOF, Buyer and Seller have executed this Indemnification as of the day and year first above written.

SELLER:

CHEROKEE SANFORD, INC.

By: John M. Corcoran

Title: Vice President

BUYER:

WASTE INDUSTRIES, INC.

By: John M. Berry

Title: President

STATE OF NORTH CAROLINA

WAKE COUNTY

AGREEMENT

THIS AGREEMENT (the "Agreement") made as of this 31 day of January, 1997 by and between Waste Industries, Inc., a North Carolina corporation (hereinafter "Waste") and Cherokee Sanford, Inc. ("Cherokee").

WHEREAS, Cherokee owns that certain 65 acre tract of land (consisting of a 37.197 acre tract as well as two tracts identified for "Future Development" on the below referenced Map) located in Durham County, North Carolina, as more particularly shown on the map recorded at Book 137, Page 48, Durham County Registry (the "Map"), which Map is incorporated herein by reference ("Entire Property"); and

WHEREAS, Cherokee intends to sell to Waste and Waste intends to purchase from Cherokee the 37.197 acre "Tract 2," as shown on the Map, pursuant to an Offer to Purchase and Contract dated September 3, 1996 (the "Purchase Contract") (hereinafter the "Waste Tract") (The Entire Property, less the Waste Tract, as well as the area within Cross Park Drive and Stone Park Court, as shown on the Map, are hereinafter referred to as the "Cherokee Tracts"); and

WHEREAS, Cherokee and Waste intend to enter into this Agreement (i) in order to provide that Waste shall pay to Cherokee certain additional consideration pursuant to the terms of this Agreement in the event that Waste does not complete certain Improvements, as defined below, on the Cherokee Tracts as provided in this Agreement and (ii) in order to provide certain easement rights across the Cherokee Tracts for the benefit of the Waste Tract;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Waste and Cherokee hereby agree as follows:

1. The recitals above are incorporated by reference into this Agreement.

2. Waste intends to construct on the Waste Tract a solid waste management facility, and, in connection therewith, Waste intends to construct upon a portion of the Entire Property and/or Cherokee Tracts certain road improvements (identified on the Map as Cross Park Drive and Stone Park Court), together with utility improvements, all as shown on the Map and on that certain set of construction drawings for Stone Road Industrial Park prepared by Sungate Design Group, P.A., dated February, 1996 and last revised October 24, 1996 (in such form as finally approved by the City of Durham, the "Plans"), which Plans are incorporated herein by this

reference, which will not only serve the Waste Tract but also the Cherokee Tracts (such road and utility improvements are hereinafter referred to as the "Improvements"). Such Improvements shall be constructed at the sole cost and expense of Waste in substantial compliance with the Map and the Plans.

3. In order to facilitate the construction of the Improvements by Waste, Cherokee shall grant to Waste and its successors and assigns for the benefit of the Waste Tract such rights-of-way, access, ingress, egress, regress, utility, construction and other easements as are shown on the Map and the Plans or as may otherwise reasonably be required by Waste and reasonably approved by Cherokee in order to develop the Waste Tract for the purposes set out herein and in order to construct the Improvements. In connection with the Closing on the conveyance of the Waste Tract to Waste, Cherokee will execute such deeds of easements as are reasonably required by counsel for Waste in order to create for the benefit of the Waste Tract such easement rights. Waste shall indemnify Cherokee from and against any mechanics' and materialmen's liens attaching to the Cherokee Tracts.

4. In the event that at the end of three (3) years from the date of this Agreement (the "Construction Period") Waste has not Substantially Completed, as defined below, the Improvements subject to the terms of this Agreement, Waste shall make a payment to Cherokee in an amount as calculated below (the "Reimbursement Payment.") For purposes of this Agreement, "Substantial Completion" shall be defined as completion of the Improvements in substantial compliance with the Map and the Plans so that they may be dedicated to and accepted by the City of Durham subject to the City's inspection punchlist. Waste may make reasonable and practical changes in the design of the Improvements provided that such changes are approved by the City of Durham and that the overall cumulative effect of such changes does not materially adversely affect the services provided to the Cherokee Tracts by the Improvements (hereinafter, "Changes to Improvements"). Additionally, Waste may make any changes to the design of the Improvements which are required by the City of Durham. In the calculation of any time periods in this Agreement, such time periods shall be extended for up to but not longer than one (1) year by any delays not within the control of Waste, such as inclement weather, riots, strikes, acts of God, war, and other *force majeure*, including without limitation delays caused by or arising out of delays by the City of Durham relating to permits, inspections, and other matters required of the City of Durham, or delays caused by Cherokee. Waste will provide Cherokee with notice of any such delays.

5. The amount of the Reimbursement Payment, if any, shall be calculated as follows:

\$500,000.00

- [hard and reasonable soft costs of Improvements completed or in progress toward completion including work for which Waste has entered into a contract under which Waste has paid for, or is obligated to pay for, materials, labor, or services, provided that such work or materials will be supplied under such contract(s)].

---

= Reimbursement Payment

If, at the time of the Reimbursement Payment, the Deed of Trust from Cherokee to Lindsay C. Warren, Jr., Trustee as recorded in Book 1872, Page 418, Durham County Registry, is still of record, Waste and Cherokee agree that the Reimbursement Payment shall be payable to said Trustee for disbursement in accordance with said Deed of Trust.

6. Waste and Cherokee enter into this Agreement for the mutual benefit of the Waste Tract and the Cherokee Tracts and agree to cooperate with one another in good faith to give effect to this Agreement.

7. This Agreement shall be construed in accordance with the laws of the State of North Carolina. This Agreement represents the entire agreement of the parties hereto, except for the Purchase Agreement, and all prior agreements and negotiations are merged herein. This Agreement shall inure to the benefit of and shall bind the heirs, successors and assigns of the parties hereto.

8. The determination that any provision of this Agreement shall be unenforceable for any reason shall not affect the enforceability and validity of the other provisions of this Agreement.

[The following page is the signature page]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal the day and year first above written.

WASTE INDUSTRIES, INC.

By: *Jerry* President

ATTEST:

*Robert H. Halp*  
Secretary  
(CORPORATE SEAL)

CHEROKEE SANFORD GROUP, INC.

By: *J. F. Halp*

ATTEST:

*Tom M. Concoran*  
Secretary  
(CORPORATE SEAL)

DURHAM COUNTY

FEB 4 1997

'97 FEB 4 PM 4 45

WILLIE L. COVINGTON  
REGISTER OF DEEDS  
DURHAM COUNTY, N.C.

AMOUNT 112.00

112.00



Real Estate  
Excise Tax

Excise Tax 112.00

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No. 641-02-051

Verified by County on the day of 19

by

Mail after recording to ~~XXXXXX~~ Wyrick, Robbins, Yates & Ponton L.L.P., Post Office Drawer 17803  
Raleigh, North Carolina 27619 (Attn: JJJ)

This instrument was prepared by WYRICK, ROBBINS, YATES & PONTON L.L.P.

Brief description for the Index  
Tract 2, Stone Road Industrial Park

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 18 day of December, 1996, by and between

GRANTOR

GRANTEE

CHEROKEE SANFORD, INC., formerly known as  
CHEROKEE SANFORD GROUP, INC.,  
a North Carolina corporation

WASTE INDUSTRIES, INC.  
a North Carolina corporation  
P.O. Box 20366  
Raleigh, North Carolina 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 Oak Grove Township, Durham County, North Carolina and more particularly described as follows:

see attached Exhibit A  
for a more particular description

03694

160

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

Deed Book 269, Page 546, Durham County Registry (Borden Brick and Tile Company)

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

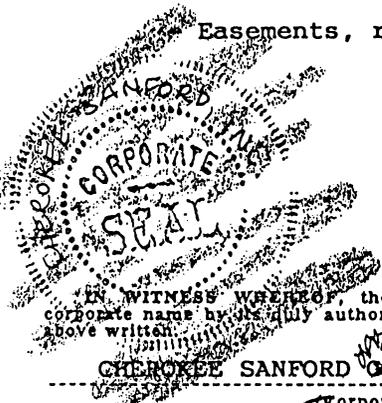
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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:

- 1997 ad valorem taxes

Easements, restrictions, and rights-of-way of record, if any.



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.

CHEROKEE SANFORD GROUP, INC.

(Corporate Name)

By: *John M. Corcoran*

Chairman of the Board of Directors

ATTEST: *John M. Corcoran*

Secretary (Corporate Seal)

USE BLACK INK ONLY

SEAL-STAMP

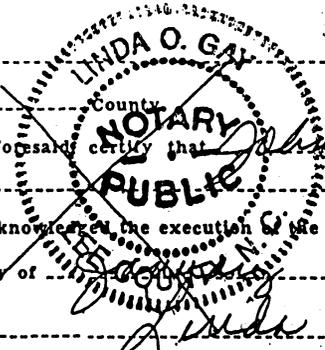
NORTH CAROLINA, *Lee* County

I, a Notary Public of the County and State aforesaid, certify that *John M. Corcoran* Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my

hand and official stamp or seal, this *31* day of *October*, 19*99*

My commission expires: *4-11-2000* Notary *Linda O. Gay*



SEAL-STAMP

NORTH CAROLINA, ... County.

I, a Notary Public of the county and State aforesaid, certify that .....

personally came before me this day and acknowledged that ... he is ... Secretary of

*Cherokee Sanford Group, 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 *Chairman of*

*Board of Directors*, 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

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 an existing railroad iron located in the southwestern corner of the property herein described, said iron being the northwestern corner of the property owned now or formerly by Leonard B. Shaffer (Tax Parcel 641-50; Deed Book 1212, Page 48, Durham County Registry "DCR") said iron also being located in the eastern boundary line of the property owned now or formerly by Kathleen M. Rigsbee (Tax Parcel 641-2A; Deed Book 115, Page 539, DCR); thence running along and with said eastern Rigsbee boundary North 03° 24' 22" East 365.13 feet to a point; thence continuing with said eastern Rigsbee boundary North 56° 08' 27" West 96.08 feet to a point; thence running a traverse line across the centerline of a creek (centerline of creek is actual property line) the following courses and distances: North 02° 03' 28" West 75.02 feet to a point; North 59° 40' 07" East 76.66 feet to a point; North 83° 13' 51" East 133.12 feet to a point; North 39° 46' 13" East 86.88 feet to a point; South 88° 50' 02" East 87.75 feet to a point; North 13° 54' 37" East 100.23 feet to a point; North 80° 21' 57" East 83.59 feet to a point; North 50° 30' 37" East 115.83 feet to a point; North 55° 08' 55" East 106.54 feet to a point; North 64° 46' 03" East 178.35 feet to a point; North 71° 28' 51" East 177.60 feet to a point; North 38° 55' 33" East 97.31 feet to a point; North 69° 33' 30" East 108.09 feet to a point; and North 58° 47' 02" East 171.05 feet to an angle iron; thence leaving said angle iron and running South 86° 02' 20" East 1581.17 feet along and with the southern boundary of property owned now or formerly by Joven Five Group (Tax Parcel 639-10; Deed Book 1278, Page 668, DCR) to a point; thence leaving said Joven line and running South 06° 37' 36" West 489.19 feet to a point in the northern margin of the right-of-way of the proposed Stone Park Court; thence running along and with the said right-of-way the following courses and distances: North 80° 04' 57" West 197.97 feet; thence in a curve to the left having a radius of 430.00 feet and an arc length of 247.53 feet and a chord bearing and distance of South 83° 25' 35" West 244.13 feet; thence South 66° 56' 06" West 180.44 feet; thence in a curve to the right having a radius of 670.00 feet, an arc length of 354.40 feet and a chord bearing and distance of South 82° 05' 19" West 350.29 feet; thence in a curve to the right having a radius of 25.00 feet, an arc length of 21.42 feet and a chord bearing and distance of North 58° 12' 36" West 20.77 feet; thence in a curve to the left having a radius of 55 feet, an arc length of 134.90 feet, and a chord bearing and distance of South 76° 04' 22" West 103.54 feet to a point; thence leaving the right-of-way of Stone Park Court and running North 77° 38' 22" West 267.69 feet to a point in southeastern boundary of the existing 50' Public Service Gas company easement; thence running along with said easement South 48° 15' 27" West 653.44 feet to a point; thence continuing with said easement South 48° 06' 06" West 223.37 feet to a point in the northern property line of

Leonard B. Shaffer; thence running with the Shaffer property line North 85° 30' 00" West 513.80 feet to the POINT AND PLACE OF BEGINNING, containing 37.197 acres and being all of Tract 2, Oak Grove Township, Durham County, according to survey by Harold "Todd" Smith entitled "Stone Road Industrial Park Phase One," dated June 27, 1996 and recorded in Plat Book 137, Page 48, Durham County Registry.

18-203

Maile-Wyrick, Robbins, Yates & Ponton  
PO Drawer 17863  
Raleigh, NC 27619

NORTH CAROLINA

BOOK 2280 PAGE 204

FILED  
BOOK 2280 PAGE 204-208

'97 FEB 4 PM 4 47

WAKE COUNTY

WILLIE L. COVINGTON  
REGISTER OF DEEDS

DEED OF EASEMENT AND AGREEMENT DURHAM COUNTY, N.C.

This Deed of Easement and Agreement ("Easement") by and between Cherokee Sanford, Inc. ("Grantor") and Waste Industries, Inc. ("Grantee"):

W I T N E S S E T H

WHEREAS, Grantor is the fee simple owner of those two tracts of land identified for "Future Development" within Stone Road Industrial Park (the "Cherokee Tracts"), as shown on a map recorded in Book of Maps 137 at Page 48, Durham County Registry (the "Map"); and

WHEREAS, Grantee is the owner of Tract 2 (37.197 acres), as shown on the Map (the "Waste Tract"); and

WHEREAS, Grantor desires to grant and convey to Grantee the easement rights set out below for ingress, egress, regress and access to Tract 2 and for construction of all roadways and utility infrastructure, as shown on the Map and in that certain set of construction plans for Stone Road Industrial Park prepared by Sungate Design Group, P.A., dated February, 1996 and last revised October 24, 1996, (as such plans are finally approved by the City of Durham, the "Plans");

NOW, THEREFORE, in consideration of the sum of ten dollars (\$10.00) in hand paid by Grantee to Grantor, the receipt and adequacy of which is acknowledged by Grantor, the granting of the easement rights set out below being a material inducement for Grantee to purchase Tract 2 from Grantor, and in consideration of the covenants and promises contained herein, Grantor hereby agrees as follows:

1. The recitals above are incorporated herein by reference.
2. Grantor hereby grants and conveys to Grantee, its successors and assigns: (i) a permanent non-exclusive easement across and upon the Cherokee Tracts for ingress, egress, regress, and access to and from Tract 2 across and upon Stone Park Court and Cross Park Drive, as shown on the Map (the "Roadway Easement"); (ii) a permanent non-exclusive easement for utility installation within said Roadway Easement and over and upon the Cherokee Tracts as required by the Plans (the "Utility Easement"); and (iii) a temporary non-exclusive construction easement across and upon the Cherokee Tracts as necessary for

1600

construction of all said roadways and utilities. Exhibit A, attached hereto and made a part hereof, sets out the approximate location of any portions of the Utility Easement which will lie outside of the Roadway Easement. Upon completion of construction of the utility improvements, including any drainage improvements, this Easement shall be amended, if necessary, to revise such Exhibit A to show the actual location of any portions of the Utility Easement lying outside the Roadway Easement.

TO HAVE AND TO HOLD the above described easements and all privileges and appurtenances thereto belonging to Grantee forever.

3. The easements and covenants contained herein shall run with the land and shall inure to and benefit Grantee, its successors and assigns, and shall burden the Cherokee Tracts, and shall be binding upon Grantor, its heirs, successors and assigns until such time as said roadways and utilities are dedicated to and accepted for maintenance by the City of Durham.
4. Grantor covenants with Grantee that Grantor is the fee simple owner of the Cherokee Tracts and has the right to convey the easements contained herein, and shall warrant and defend the title to the easements conveyed herein against all persons whomsoever.

[The following page is the signature page]

IN WITNESS WHEREOF, Grantor and Grantee have executed this Deed of Easement and Agreement as of this 31 day of ~~December~~, January



GRANTOR:

CHEROKEE SANFORD <sup>JAB</sup> ~~GROUP~~, INC.

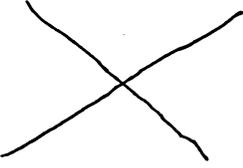
By: [Signature]

Title: Chairman of the Board of Directors

ATTEST:

John M. Corcoran  
Secretary

(AFFIX CORPORATE SEAL)



GRANTEE:

WASTE INDUSTRIES, INC.

By: [Signature]

Title: President



ATTEST:

[Signature]  
Secretary

(AFFIX CORPORATE SEAL)

NORTH CAROLINA

Lee COUNTY

I, the undersigned Notary Public, do hereby certify that John M. Carson personally appeared before me this day and acknowledged that she/he is the \_\_\_\_\_ Secretary of CHEROKEE SANFORD, INC., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed by its Chairman of the Board, sealed with its corporate seal and attested by its \_\_\_\_\_ Secretary.

WITNESS my hand and notarial seal, this 31 day of January, 1997.



Linda O. Gay

Notary Public

My Commission Expires:

4-11-2000

NORTH CAROLINA

Wake COUNTY

I, the undersigned Notary Public, do hereby certify that JIM W. PERRY personally appeared before me this day and acknowledged that he/she is PRESIDENT of WASTE INDUSTRIES, INC., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed by its PRESIDENT, sealed with its corporate seal and attested by its SECRETARY. WITNESS my hand and notarial seal, this 3rd day of January, 1997.

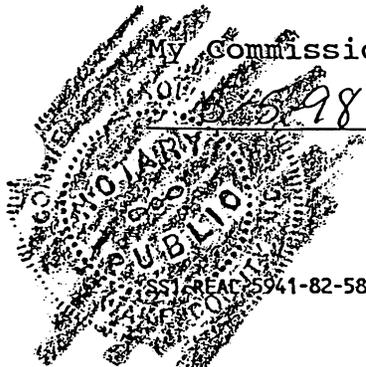
February

Connie L. McKown

Notary Public

My Commission Expires:

5-98



State of North Carolina - Durham County

The foregoing or annexed certificate(s) of Linda O Gay Connie L. McKown

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

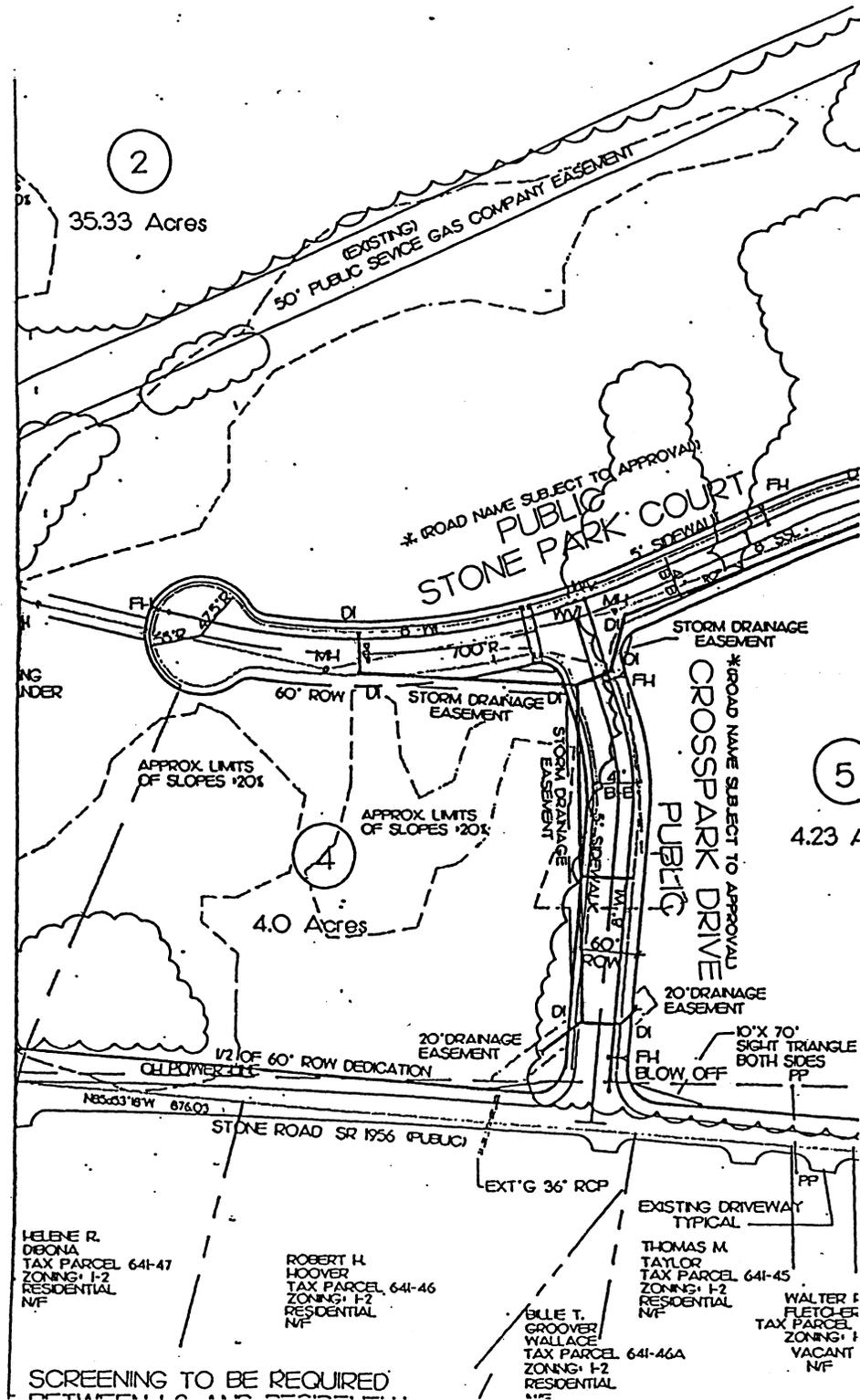
This the 4 day of Feb AD. 1997

WILLIE L. COVINGTON Shirley D. Brown

Register of Deeds

By: Assistant / Deputy Register of Deeds

\* THIS EXHIBIT IS NOT A SURVEY AND IS FOR INFORMATIONAL USE ONLY. NO PARTY MAY RELY ON ITS ACCURACY.



NORTH CAROLINA

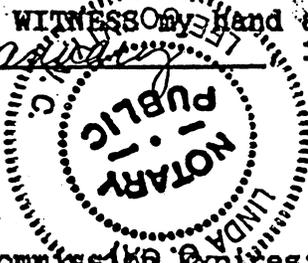
Lee COUNTY

I, the undersigned Notary Public, do hereby certify that John M. Carcoran personally appeared before me this day and acknowledged that he/she is the Secretary of Cherokee Sanford, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation the foregoing instrument was signed by its Chairman of the Board of Directors of Cherokee Sanford, Inc., sealed with its corporate seal and attested by him/her as its \_\_\_\_\_ Secretary.

*ft-200*

WITNESS my hand and notarial seal this 31 day of \_\_\_\_\_ 1997.

*[Signature]*  
My Commission Expires: 4-11-2000



*Linda O. Gay*  
Notary Public

State of North Carolina - Durham County

The foregoing or annexed certificate(s) of Linda O. Gay

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

This the 4 day of Feb AD. 19 97  
WILLIE L. COVINGTON *[Signature]*  
Register of Deeds

By: Assistant / Deputy  
Register of Deeds





COMPLIANCE DOCUMENTS

BY

STATE and FEDERAL AGENCIES

NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF PARKS AND RECREATION

September 15, 1998

Mr. J. Frank Braxton, RLA  
Sungate Design Group, P.A.  
915-A Jones Franklin Road  
Raleigh, NC 27606

SUBJECT: Rare Species, High Quality Natural Communities, and  
Significant Natural Heritage Areas at the Proposed LCID  
Project Site, Durham, Durham County, North Carolina

Dear Mr. Braxton:

The North Carolina Natural Heritage Program (NC NHP) has no records of high quality natural communities, rare species, scenic river, state park, recreational or scenic areas, or Significant Natural Heritage Areas at or within a 1.0 mile radius of the proposed LCID site, Durham, Durham County, North Carolina.

Enclosed is a list of rare species and high quality natural communities that are known to occur in Durham County. If suitable habitat for any of these species occurs in the project area, then those species may be present at the project site and a survey may be necessary.

Please do not hesitate to contact me at the address below or call me at (919) 715-8703 if you have any questions or need further information.

Sincerely,



Susan Reece Giles  
Information Specialist  
Natural Heritage Program

Enclosure

## NC NATURAL HERITAGE PROGRAM COUNTY SPECIES LIST COVER SHEET

The county species list from the NC Natural Heritage Program is a listing of the elements (rare species, natural communities, and special animal habitats) known to occur in a county. The information on this printout is compiled from a variety of sources, including field surveys, museums and herbaria, literature, and personal communications. The Heritage Program's Biological and Conservation Database (BCD) is dynamic, with new records being added and old records being revised as new information is received. The BCD was developed and is maintained using methodology developed by The Nature Conservancy. The enclosed list cannot be considered a definitive record of natural heritage elements, and it should not be considered a substitute for field surveys. When this information is used in any document, we request that the printout date be given and that the NC Natural Heritage Program be credited.

This cover sheet explains the four columns of status codes that are given on the right-hand side of the county list printout.

### STATE STATUS

<b>CODE</b>	<b>STATUS</b>	<b>CODE</b>	<b>STATUS</b>
E	Endangered	P	Proposed (E, T, or C)
T	Threatened	SR	Significantly Rare
SC	Special Concern	EX	Extirpated
C	Candidate		

Plant statuses are determined by the Plant Conservation Program (NC Department of Agriculture) and the Natural Heritage Program (NC Department of Environment and Natural Resources). E, T, and SC species are protected by state law (Plant Protection and Conservation Act, 1979). C and SR designations indicate rarity and the need for population monitoring and conservation action.

Animal statuses that indicate state protection (E, T, and SC) are published in *Endangered Wildlife of North Carolina*, March 16, 1992, Nongame and Endangered Wildlife Program (NC Department of Environment and Natural Resources). SR and EX statuses are Natural Heritage Program designations. SR indicates rarity and the need for population monitoring and conservation action.

### FEDERAL STATUS

This status is designated by the US Fish and Wildlife Service. Federally listed Endangered and Threatened species are protected under the provisions of the Endangered Species Act of 1973, as amended through the 100th Congress. Unless otherwise noted, definitions are taken from the *Federal Register*, Vol. 56, No. 225, November 21, 1991 (50 CFR Part 17).

<b>CODE</b>	<b>STATUS</b>	<b>DEFINITION</b>
E	Endangered	A taxon "in danger of extinction throughout all of a significant portion of its range."
T	Threatened	A taxon "likely to become an endangered species within the foreseeable future throughout all of a significant portion of its range."
P	Proposed	A taxon proposed for official listing as endangered or threatened.
C	Candidate	A taxon under consideration for which there is sufficient information to support listing. This category was formerly designated as a Candidate 1 (C1) species.
FSC		Federal "Species of Concern" (also called "Species at Risk"). Formerly defined as a taxon under consideration for which there is insufficient information to support listing; formerly designated as a Candidate 2 (C2) species. Currently, the US Fish and Wildlife Service does not recognize this as an official designation.
T(S/A)		Threatened due to Similarity of Appearance. Species with this designation are not considered biologically endangered or threatened and are listed for trade purposes. [The American Alligator has this designation due to similarity of appearance to other rare crocodilians. The Bog Turtle (southern population) has this designation due to similarity of appearance to Bog Turtles in the threatened northern population.]

Please note that the US Fish and Wildlife Service no longer recognizes the following categories:

3A	Candidate 3A	A taxon formerly under consideration for listing, but for which there is "persuasive evidence of extinction."
3B	Candidate 3B	A taxon formerly under consideration for listing, but which current taxonomic understanding does not support as a distinct entity meeting the Endangered Species Act's definition of "species."
3C	Candidate 3C	A taxon formerly under consideration for listing, but which has been "proven to be more abundant or widespread than previously believed and/or [which is] not subject to any identifiable threat."

SCIENTIFIC NAME	COMMON NAME	STATE STATUS	FED. STATUS	STATE RANK	GLOBAL RANK
<b>Durham</b>					
<b>Vertebrates</b>					
Accipiter cooperii	Cooper's Hawk	SC	-	S3B, S3N	G5
Ambloplites cavifrons	Roanoke Bass	SR	-	S3	G3
Haliaeetus leucocephalus	Bald Eagle	E	T	S2B, S2N	G4
Hemidactylium scutatum	Four-toed Salamander	SC	-	S3	G5
Necturus lewisi	Neuse River Waterdog	SC	-	S3	G3
Noturus furiosus pop 1	Carolina Madtom - Neuse River Population	SC	-	S2	G3T2Q
<b>Invertebrates</b>					
Alasmidonta undulata	Triangle Floater	T	-	S2	G4
Erynnis martialis	Mottled Dusky Wing	SR	-	S3	G4
Fusconaia masoni	Atlantic Pigtoe	T	FSC	S1	G2
Gomphus septima	Septima's Clubtail	SR	FSC	S1	G2
Lampsilis cariosa	Yellow Lampmussel	T	FSC	S1S2	G4
Lampsilis radiata	Eastern Lampmussel	SC	-	S1S2	G5
Lasmigona subviridis	Green Floater	E	FSC	S1	G3
Somatogyrus virginicus	Panhandle Pebblesnail	SR	FSC	S1?	G1G3
Strophitus undulatus	Squawfoot	T	-	S2S3	G5
Tachopteryx thoreyi	Gray Petaltail	SR	-	S3?	G4
Villosa constricta	Notched Rainbow	SR	-	S2S3	G3G4
Villosa delumbis	Eastern Creekshell	SR	-	S3?	G4
<b>Vascular plants</b>					
Agalinis decemloba	Piedmont Gerardia	SR	-	S2?	G4Q
Aster laevis var concinnus	Narrow-leaved Aster	C	-	S2	G5T4
Baptisia minor	Prairie Blue Wild Indigo	C/PT	-	S2	G4
Berberis canadensis	American Barberry	SR	-	S2	G3
Cardamine dissecta	Dissected Toothwort	C	-	S2	G4?
Cardamine douglassii	Douglass's Bittercress	SR	-	S2	G5
Carex bushii	Bush's Sedge	SR	-	SH	G4
Carex jamesii	James's Sedge	SR	-	S1	G5
Carex meadii	Mead's Sedge	SR	-	S1	G4G5
Carex vestita	Velvet Sedge	C	-	SH	G5
Delphinium exaltatum	Tall Larkspur	E-SC	FSC	S1	G3
Echinacea laevigata	Smooth Coneflower	E-SC	E	S1	G2
Enemion biternatum	Eastern Isopyrum	SR	-	S2	G5
Eupatorium godfreyanum	Godfrey's Thoroughwort	SR	-	S1	G4
Eupatorium incarnatum	Pink Thoroughwort	SR	-	S2	G5
Hexalectris spicata	Crested Coralroot	SR	-	S2	G4?
Hexastylis lewisii	Lewis's Heartleaf	SR	-	S3	G4
Liatris squarrulosa	Earle's Blazing Star	SR	-	S2	G4G5
Lithospermum canescens	Hoary Puccoon	SR	-	S1	G5
Matelea decipiens	Glade Milkvine	SR	-	S2	G5
Monotropsis odorata	Sweet Pinesap	C	FSC	S3	G3
Panax trifolius	Dwarf Ginseng	SR	-	S3	G5
Parthenium auriculatum	Glade Wild Quinine	C	-	S1	G3?Q
Platanthera peramoena	Purple Fringeless Orchid	C	-	S1	G5
Porteranthus stipulatus	Indian Physic	SR	-	S2	G5
Prunus pumila var susquehanae	Susquehanna Cherry	C	-	SH	G5T4
Rhus michauxii	Michaux's Sumac	E-SC	E	S2	G2
Ruellia humilis	Low Wild-petunia	T	-	S1	G5
Ruellia purshiana	Pursh's Wild-petunia	SR	-	S2	G5
Scirpus pendulus	Rufous Bulrush	SR	-	S1	G5
Scutellaria leonardii	Shale-barren Skullcap	C	-	S1	G4
Scutellaria nervosa	Veined Skullcap	SR	-	S1	G5
Silphium terebinthinaceum	Prairie Dock	C	-	S2	G4G5
Solidago rigida ssp glabrata	Southeastern Bold Goldenrod	SR	-	S2	G5T4
<b>Natural communities</b>					
Basic Mesic Forest (Piedmont Subtype)	-	-	-	S2	G5T3
Basic Oak--Hickory Forest	-	-	-	S3	G4
Dry-Mesic Oak--Hickory Forest	-	-	-	S5	G5
Floodplain Pool	-	-	-	S2	G3?
Mesic Mixed Hardwood Forest (Piedmont Subtype)	-	-	-	S4	G5T5
Piedmont Monadnock Forest	-	-	-	S4	G5
Piedmont/Coastal Plain Heath Bluff	-	-	-	S3	G4?

SCIENTIFIC NAME	COMMON NAME	STATE STATUS	FED. STATUS	STATE RANK	GLOBAL RANK
Piedmont/Low Mountain Alluvial Forest	-	-	-	S5	G5
Piedmont/Mountain Bottomland Forest	-	-	-	S3?	G5
Piedmont/Mountain Levee Forest	-	-	-	S3?	G5
Piedmont/Mountain Semipermanent Impoundment	-	-	-	S4	G5
Piedmont/Mountain Swamp Forest	-	-	-	S1	G2
Upland Depression Swamp Forest	-	-	-	S2	G3
Upland Pool	-	-	-	S1	G1
Xeric Hardpan Forest	-	-	-	S3	G3G4

**Durham\***

**Vascular plants**

<i>Panicum flexile</i>	Wiry Panic Grass	SR	-	S1	G4G5
<i>Thermopsis mollis sensu stricto</i>	Appalachian Golden-banner	SR	-	S2	G3G4

**Durham\*\***

**Vertebrates**

<i>Etheostoma collis</i>	Carolina Darter	SC	-	S3	G3
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## North Carolina Department of Cultural Resources

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

Division of Archives and History  
Jeffrey J. Crow, Director

September 23, 1998

J. Frank Braxton, RLA  
Sungate Design Group, PA  
915-A Jones Franklin Road  
Raleigh NC 27606

Re: Waste Industries, Inc., LCID landfill, Durham  
County, ER 99-7386

Dear Mr. Braxton:

Thank you for your letter of September 4, 1998, 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 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".

David Brook  
Deputy State Historic Preservation Officer

DB:slw

cc: Jim Coffey, Division of Waste Management, DENR



U.S. ARMY CORPS OF ENGINEERS

Wilmington District

Action ID: 199821259 County: Durham

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner: Waste Industries, Inc. Attn: Ven Poole Address: 3949 Browning Place Raleigh, NC 27609 Telephone Number: 919-782-0095
Authorized Agent: [Redacted] Attn: Frank Braxton Address: 915-A Jones Franklin Road Raleigh, NC 27606 Telephone Number: 919-859-2243

Size and Location of Property (waterbody, Highway name/number, town, etc.):

The property is approximately 37 acres in size and is located to the west of the intersection of Stone Rd. and Wren Rd., in Durham County, North Carolina. The site is adjacent to an unnamed tributary of Northeast Creek, above headwaters, in the Cape Fear River Basin.

Indicate Which of the Following Apply:

- There are waters of the U.S., to include wetlands, on the above described property which we strongly suggest should be delineated and surveyed.
Because of the size of your property and our present workload, our identification and delineation of your wetlands cannot be accomplished in a timely manner.
The waters of the U.S., to include wetlands, on your lot have been delineated, and the limits of the Corps jurisdiction have been explained to you.
There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344).
This project is located in the Neuse river basin. You should contact the North Carolina Division of Water Quality at (919) 733-1786 to determine additional requirements specific to this river basin.

Placement of dredged or fill material in wetlands on this property without a Department of the Army Permit is in most cases a violation of Section 301 of the Clean Water Act (33 USC 1311). A permit is not required for work on the property restricted entirely to existing high ground. If you have any questions regarding the Corps of Engineers regulatory program, please contact

Todd Tugwell at telephone number (919) 876 - 8441 extension 26

Project Manager Signature [Handwritten Signature]

Date November 3, 1998 Expiration Date November 3, 2003

SURVEY PLAT OR FIELD SKETCH OF THE DESCRIBED PROPERTY AND THE WETLAND DELINEATION FORM MUST BE ATTACHED TO THE YELLOW (FILE) COPY OF THIS FORM.



## OPERATIONAL NARRATIVE

.0565(4) An operational plan addressing the requirements under Rule .0566 of this section and containing the following information shall be submitted with the application for a proposed Land Clearing and Inert Debris (LCID) Landfill.

(a) Name, address and phone number of individual responsible for operation and maintenance of the facility.

Lee Bodenhamer  
148 Stone Park Court  
Durham, North Carolina 27703  
(919) 596-1363

(b) Projected use of the land after completion.

The projected use of the land, after completion of the landfill operations is anticipated to be incorporated into the "campus" plans as outdoor storage areas and a possible future building site. In order for an area to be used as a building site, the fill operation and materials will be monitored to insure beneficial fill only and controlled placement/compaction.

(c) Description of systematic usage of disposal area, operation, orderly development and closure of the landfill.

The site of the proposed LCID Landfill was previously used as a brick mine by Borden Brick Company and the resulting landscape is a deep pit surrounded by overburden material. The initial operation will embrace the excavation and shaping of the existing pit to maximize the air space and position the cover material for future use. The excavated (cover) material shall be stockpiled in cells 2, 3, 4 and 5 in order to position cover materials near active cells. The excavated pit area will be fill/compacted with the incoming material in a sequence beginning at the furthestmost area. Each fill area will receive an approximate 10 feet compacted layer prior to cover or as required under Rule .0566(4). Phase One shall consist of first 10 feet lift in all cells with the periodic cover contoured to provide positive drainage. After the initial fill/cover of the existing open pits, a systematic placement of additional layers will follow allowing a balance of "incoming" materials and cover. Additionally, the Haul Road shall be field adjusted to compensate for the elevation changes created by the fill operations. In all cases, the fill areas shall be created/located to provide positive drainage to the sediment/stormwater riser basins and prevent any surface ponding.

The closure of the landfill will be a continued function of the development with each area receiving a one foot (min) layer of cover material. Each completed area shall be graded to provide uniform side slopes (3:1 min) and top grades as shown on the attached plans. As a protection of the side slopes, a top berm shall be constructed along the perimeter and diversion ditches installed to direct surface flow to a series of slope drains. A ditch is proposed along the slope toe to convey the runoff to the

sediment/stormwater riser basin. After the completion of each area, or in accordance with Rule .0566(7), stabilization materials shall be installed. As part of the City of Durham Permit, a "Bond" has been posted for 1 ½ times the value for seeding and plant materials.

(d) Type, source and quantity of waste to be accepted.

Type: Stumps, trees, limbs, brush, grass and other naturally occurring vegetative material as well as concrete, brick, concrete block, used asphalt or used asphalt mixed with dirt, sand, uncontaminated soils, gravel, untreated/unpainted wood, yard trash, drywall, shingles and other items approved by the N.C. Solid Waste Division.

Source: Public and private sources in the Triangle Area to include but not be limited to Durham County, Wake County, Orange County, RTP, etc.

Quantity: 30,000 - 40,000 tons/year

(e) An emergency plan, including fire fighting procedures.

Waste Industries has incorporated an Emergency Operation Plan with all of their operational centers. This program includes actions required for accidents, fire and evacuation. With regard to the proposed LCID Landfill, the operation and access shall be monitored in order to maintain a safe working environment. Additionally, all employees will be trained for the appropriate job requirements and the company's Risk Management Officer shall periodically review the operation activities.

In Case of Accidents or Fire, the Durham City/County Police, Fire and Emergency Management Agencies shall be contacted via the 911 Emergency Call System. As an added element to the site design, two access points are provided for emergency access to the site. Regarding fire protection, a fire hydrant shall be installed adjacent to the Haul Road at the Landfill Boundary. The fire hydrant will provide "wet down" water flow and supplement the overall site fire protection. This property is within the City of Durham and subject to public services.

.0566 Operational Requirements for Land Clearing/Inert Debris (LCID) Landfills.

Waste Industries is proposing to develop a "Solid Waste Management and Processing Campus" within the Stone Road Industrial Park. The proposed project is located in the southeast quadrant of Durham County and will consist of approximately 37 acres. The uses will include Administrative Office and Trucking Terminal, Recycling Center, Transfer Station, Woodwaste Processing Area, and a Land Clearing and Inert Debris Landfill. To date, the Administrative Offices and Trucking Station have received site plan approval and the Woodwaste Processing Area and LCID Landfill have been granted a Temporary Use Permit.

The Woodwaste Processing Area and LCID Landfill have been designed as an element of campus to function as both a depository for "incoming" materials and "by products" of the Woodwaste and Recycling Processing. The anticipated materials may include stumps, trees, limbs, brush, grass and other naturally occurring vegetative material as well as concrete, brick, concrete block, used asphalt or used asphalt mixed with dirt, sand, uncontaminated soils, gravel, untreated/unpainted wood and yard trash.

The Woodwaste Processing Area and LCID Landfill are "owner controlled" facilities that are staffed during operational hours. All access is controlled through a gated entrance which will also include a truck scale to record inventory and volume.

As part of the overall campus, the trucking traffic is separated from the general employee and public traffic with regard to access and parking. As policy, public visitors are required to "check in" at the Administrative Office prior to entering the operational area. To further promote safety, the entire campus area will be fenced to prohibit unauthorized access. Emergency access is accommodated through either the main entrance or a secondary entrance through the truck parking and storage yard. Public roadways provide access to the campus.

The "incoming" materials shall be inspected and, if required, dumped and sorted to remove those materials prohibited or requiring recycling. Once approved for disposal, the material shall be transported via a gravel surface haul road to the appropriate cell, deposited and compacted as needed to maximize the volume. No materials shall be disposed in water and the open burning of solid waste is prohibited. As part of the project planning and on-going construction, cover materials have to be stockpiled to provide periodic and final cover. The cover material shall be applied on a monthly basis or after the active cell becomes one acre in size, whichever first occurs. Disposal areas shall be covered with one foot of soil cover within 120 calendar days after completion or upon revocation of a permit. The cover materials shall be sloped to allow a controlled surface water runoff condition.

The siting, buffers and setbacks are anticipated to control the concentration of explosive gases to not exceed twenty-five percent (25%) of the lower explosive limit for the gases in structures and the lower explosive limit for the gases at the property boundary. Additionally, best management practices shall be used to manage any generated leachate.

The facility design will use the existing berm along the northern boundary (intermittent stream) and riser basins for both erosion control and stormwater management. Additionally, as a means of controlling the surface water on the slope face, a perimeter top berm shall be constructed and diversion ditches used to divert the surface water to a series of slope drains. As a final product, the site shall be landscaped/stabilized and the riser berm refurbished to serve as a stormwater management device.

A sign shall be posted at the facility's entrance providing a contact name, emergency telephone number and the issued permit number.

Tomlin (50X)

This Deed drawn by: Thomas W. Maninc

Mail this Deed to: \_\_\_\_\_  
(Name) (Street and Number) (City) (State) (Zip)

Mail future tax bills to: \_\_\_\_\_  
(Name) (Street and Number) (City) (State) (Zip)

THIS DEED, Made this the 10th day of November, 1978

by JAMES ROGER MANUEL and wife, LILA TESH MANUEL; WILLIAM A. MANUEL and wife, AVAHLEEN VANHOY MANUEL; ROY C. MANUEL and wife, FAYE OSBORNE MANUEL; ELLEN M. PIERCE and husband, CHARLES PIERCE; HERMAN E. MANUEL and wife, PATRICIA DOCKERY MANUEL; DOROTHY M. GODWIN and husband, BILL GODWIN; MARY LOU M. SNOW and husband, BRUCE SNOW; FRANCIS L. MANUEL and wife, BILLIE T. MANUEL; PAUL A. MANUEL,  
individually and as Executor of the Estate of PEARL S. MANUEL, and wife, ~~WILDA SMOUSE MANUEL, being all the heirs and Executor of Pearl S. Manuel, deceased~~  
part ies of the first part, to  
FRANCIS L. MANUEL and wife, BILLIE T. MANUEL

\_\_\_\_\_ part ies of the second part;

Witnesseth That the said part ies of the first part, in consideration of (\$10.00 & OVC) TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS to them paid by the said part ies of the second part, the receipt of which is hereby acknowledged, has/have bargained and sold, and by these presents do \_\_\_\_\_ bargain, sell and convey unto the said part ies of the second part and their heirs a tract or parcel of land in the County of Forsyth and State of North Carolina, in \_\_\_\_\_ Township, and bounded as follows:

All of the property described in Deed to Walter A. Manuel as described in Deed Book 570 at page 43 in the Office of the Register of Deeds of Forsyth County, North Carolina, save and except:

- ~~(1) All of the property that lies on the West side of Sedge Garden Road as it now lies.~~
- (2) That property described in Deed Book 937 at page 28, Deed Book 1211 at page 125, said property being previously deeded to Francis L. Manuel and wife, Billie T. Manuel;
- (3) That property described in Deed Book 918 at page 404, said property being previously deeded to Bill Godwin and wife, Dorothy Godwin.

The property herein conveyed is all of Lot 50, Lot 49D, and Lot 48F, Tax Block 5634, Forsyth County Tax Maps, and being all of the property owned by Pearl S. Manuel at the time of her death on the East side of Sedge Garden School Road.

Note: The property has not been surveyed.

TWP

The above land was conveyed to grantor by \_\_\_\_\_ See Book No. \_\_\_\_\_ Page \_\_\_\_\_

8351785

BOOK 1257P1282

BOOK 1614P1289