LCIDN33-B Permit Clark Langley, Inc.

Central file

State of North Carolina Department of Environment and Natural Resources
Raleigh Regional Office

Michael F. Easley, Governor
William G. Ross, Jr., Secretary

NCDENR
NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

THE DIVISION OF WASTE MANAGEMENT
November 14, 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Della Edwards, Vice President
Clark-Langlely Inc.
P.O. Box 8286
Rocky Mount, North Carolina 27804

Re: Land Clearing and Inert Debris Landfill
Permit # 33B Edgecombe Co.

Dear Ms Edwards:

This is written as a follow up to a conversation I had with Simon Smith October 30, 2002 regarding the efforts by Clark-Langley Inc to seek a permit to dispose of land clearing and inert debris waste LCID material. The following is a summery the current situation:

- The permit for the facility that you are currently operating has expired and cannot be renewed due to the facility being located in the flood plain of the Tar River. This facility must cease receiving waste as of today's date and be closed according the requirements listed in 15A NCAC 13B .0566 (7) and (8) **OPERATIONAL REQUIREMENTS FOR LAND CLEARING AND INERT DEBRIS LANDFILLS** within 120 days from the receipt of this letter.
- You requested that the tract located adjacent to the office be considered for a notified LCID landfill. After viewing a copy of the plat of this tract, it appears to be not suitable. The 100 feet setback from vegetative waste to property line setback requirement will leave an extremely limited area available for the disposal of vegetative material.
- The area between the borders of the permitted mine, and the property line is insufficient for location of a notified LCID facility due to the 100 feet from vegetative waste to property line setback requirement

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

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

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

August 17, 1987

Clark-Langley, Inc.
401 Farm Road
Rocky Mount, N.C. 27801
Attn: Mr. R.C Clark

RE: Demolition Landfill, Permit #33-B, Edgecombe County

Dear Mr. Clark:

Please find enclosed a Solid Waste Permit, a certified copy, and Conditions of the Permit for the referenced site.

Please note that a portion of the site is in the floodway, and in accordance with Section .0503(1)(a) of the Solid Waste Rules, can not be landfilled. However, the remaining portion can be landfilled in accordance with condition No. 5 of the permit.

Also, please note the types of waste approved for demolition landfills, specified in the permit conditions.

If there are any questions, please call at (919) 733-2178.

Sincerely,

James C. Coffey

James C. Coffey, Environmental Engineer
Solid & Hazardous Waste Management Branch
Environmental Health Section

JCC/mj

CC: Terry Dover
Fred Wood

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

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

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

CERTIFIED COPY OF SOLID WASTE PERMIT

I do hereby certify that the attached PERMIT is an exact and true copy of Permit No. 33-B.

Jerry Rhodes, Assistant Branch Head
Solid and Hazardous Waste Management Branch
Environmental Health Section

North Carolina

Edgecombe County

I, Lois B. Walker, a Notary Public for said County and State, do hereby certify that Jerry Rhodes, _____, Solid and Hazardous Waste Management Branch, Environmental Health Section personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28th day of _____, 1987.

OFFICIAL SEAL
LOIS B. WALKER
NOTARY
* * *
PUBLIC
WAKE COUNTY N.C.

NOTARY PUBLIC

My commission expires 1-29, 19~~87~~ 90.

PERMIT NO. 33-B

DATE ISSUED 8/28/87

STATE OF NORTH CAROLINA

DEPARTMENT OF HUMAN RESOURCES

DIVISION OF HEALTH SERVICES

P. O. Box 2091 Raleigh, NC 27602

SOLID WASTE PERMIT

CLARK-LANGLEY, INC.
is hereby issued a permit to operate a
Demolition Landfill
located
on SR 1243, Edgecombe County,

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

Jerry Rhodes

Jerry Rhodes, Assistant Branch Head
Solid and Hazardous Waste Management Branch
Environmental Health Section

Mail after recording to Dill, Exum, Fountain & Hoyle, 330 Sunset Avenue, Rocky Mount, N. C. 27801

This instrument was prepared by Thomas G. Dill, Dill, Exum, Fountain & Hoyle, Rocky Mount, N. C. 27801

Brief description for the Index 5.004 Acres, No. 12 Township

NORTH CAROLINA DEED OF TRUST

THIS DEED of TRUST made this 25th day of May, 19 83, by and between:

GRANTOR	TRUSTEE	BENEFICIARY
CLARK-LANGLEY, INC., a North Carolina corporation 400 Farm Road Rocky Mount, N. C. 27801	THOMAS G. DILL Dill, Exum, Fountain & Hoyle 330 Sunset Avenue Rocky Mount, N. C. 27801	LUCY F. BRANTLEY, widow c/o William O. Brantley 11 Wimberly Avenue Rocky Mount, N. C. 27801

FEB 6 1987

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

The designation Grantor, Trustee, and Beneficiary 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 whereas the Grantor is indebted to the Beneficiary in the principal sum of Eight Thousand Seven Hundred Fifty Dollars ($8,750.00), as evidenced by a promissory note of even date herewith, the terms of which are incorporated herein by reference. The final due date for payment of said promissory note, if not sooner paid, is June 1, 1984

NOW, THEREFORE, as security for said debt and a valuable consideration, receipt of which is hereby acknowledged, the Grantor has bargained, sold, given, granted and conveyed and does by these presents bargain, sell, give, grant and convey to said Trustee, his heirs, or successors, and assigns, the parcel(s) of land situated in ~~the City of~~ No. 12 Township Township, Edgecombe County, North Carolina, and more particularly described as follows:

BEGINNING at an iron at a fence post corner, which iron is located N. 4° 00' W. 250.9 feet from a "JCB" concrete monument set in the northern boundary of the right-of-way of Leggett Road, the northeast corner of Lot 2, Block C of Brantwood Subdivision; thence S. 88° 45' W. 195.5 feet along the northern lines of Lots 2 and 1, Block C of Brantwood Subdivision to an iron in fence, a new corner; thence N. 1° 15' W. 922 feet to an iron in the line of Lot A of Daughtridge Farm Div. as the same appears in Map Book 14, Page 13, Edgecombe County Registry, a corner; thence N. 88° 45' E. 277 feet to a "JCB" concrete monument in the western line of property now or formerly known as Otis Bulluck's "Allen Mims Farm," a corner; thence S. 4° 00' W. 923.4 feet to an iron at fence post corner, the point of beginning, containing 5.004 acres and being part of the property formerly owned by Dr. J. C. Brantley, deceased, and shown on plat entitled "Lot owned by Clark-Langley, Inc.," dated May 12, 1983, a copy of which plat is attached hereto and made a part hereof.

The aforesaid property is the same property conveyed by Edwin H. Brantley, et ux, et als, to Lucy F. Brantley, widow, by deed dated May 25, 1983, of record in the Edgecombe County Registry; and being the identical property conveyed by Lucy F. Brantley, widow, to Clark-Langley, Inc., a North Carolina corporation, by deed dated May 25, 1983, recorded concurrently herewith in the Edgecombe County Registry.

N.C. Bar Assoc. Form No. 5 © 1976, Revised 1977.
Printed by Agreement with the N.C. Bar Assoc.-1981.

PERMIT NO. 33-B
DATE ISSUED 8/28/87

SOLID WASTE PERMIT
(Demolition Landfill)

Conditions of Permit:

1. This permit shall not be effective unless the certified copy is filed in the register of deeds' office, in the grantor index under the name of the owner of the land in the county or counties in which the land is located. After recordation, the certified copy shall be returned to the Solid & Hazardous Waste Management Branch and shall have indicated on it the page and book number, date of recordation and registrar's seal.

2. When this property is sold, leased, conveyed or transferred, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a sanitary landfill.

3. The following requirements shall be met prior to receiving solid waste at the site:

   a. Site preparation shall be in accordance with the construction plan.
   b. Site inspection shall be made by a representative of the Division of Health Services.

4. This solid waste disposal site is permitted to receive solid waste as defined in 10 NCAC 10G, .0101(5); stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes as approved by the Branch.

5. This permit is for construction according to attached plans and with the following revisions:

   a. The floodway area will be delineated and not utilized for disposal.
   b. The remaining area will be operated in such a manner that no wash-out of solid waste occurs and that final elevations including landfilling and final cover will not exceed floodway elevations.

   Any modification or deviation from the approved plans shall be approved by the North Carolina Solid and Hazardous Waste Management Branch.

6. This facility shall conform to operating procedures in Rule .0507 of the Solid Waste Management Rules.

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

8. All earth-disturbing activities will be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4)

CLARK-LANGLEY, INC.

Grading Contractors

401 Farm Road
Rocky Mount, N.C. 27801
Phone: 443-5729

February 2, 1987

Mr. Fred Woods
North Carolina Department of Human Resources
Solid Waste Division
Greenville, NC 27834

Re: Solid Waste Permit
Classification of Materials

Dear Mr. Woods,

As per page 22 of the Solid Waste Management rules, we make the following materials classification.

The materials to be dumped in the proposed area will be debris from demolition projects consisting of wood, concrete, steel and brick.

Access to the area will be controlled by a locked gate prior to the landfill area. Necessary signs will be posted concerning no dumping or trespassing.

Sincerely,

R. C. Clark

CLARK-LANGLEY, INC.

Grading Contractors

401 Farm Road
Rocky Mount, N.C. 27801
Phone: 443-5729

February 2, 1987

North Carolina Department of Human Resources
Solid Waste Division

Re: Solid Waste Permit

Dear Sir:

During the course of filling the proposed area, we will landscape for vegetative purposes as areas substantiate, with the assurance that upon completion of the entire site, it will be left with a vegetative cover.

The ratios to be used are as follows:

1. Fertilizer - 8-8-8 20# per 1,000 sq. ft.
2. Lime - 40# per 1,000 sq. ft.
3. Seed - 2# per 1,000 sq. ft.

When the entire area has been seeded, we will either donate the land to the city for a park and/or playground, or used as pasture land.

If there is ever a situation involving erosion, it will be dealt with immediately.

Sincerely,

R. C. Clark

SATISFACTION: The debt secured by the within Deed of Trust together with the note(s) secured thereby has been satisfied in full.

This the _____ day of _____, 19_____.

Signed: _____

_____

_____

Recording: Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____

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

by _____

Mail after recording to Dill, Exum, Fountain & Hoyle, 330 Sunset Avenue, Rocky Mount, N. C. 27801

This instrument was prepared by Thomas G. Dill, Dill, Exum, Fountain & Hoyle, Rocky Mount, N. C. 27801

Brief description for the Index 5.004 Acres, No. 12 Township

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

The designation Grantor, Trustee, and Beneficiary 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.

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NOW, THEREFORE, as security for said debt and a valuable consideration, receipt of which is hereby acknowledged, the Grantor has bargained, sold, given, granted and conveyed and does by these presents bargain, sell, give, grant and convey to said Trustee, his heirs, or successors, and assigns, the parcel(s) of land situated in ~~the City of~~ _____, No. 12 Township Township, Edgecombe County, North Carolina, and more particularly described as follows:

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N.C. Bar Assoc. Form No. 5 © 1976, Revised 1977.
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SATISFACTION: The debt secured by the within Deed of Trust together with the note(s) secured thereby has been satisfied in full.

This the _____ day of _____, 19_____.

Signed: _____

_____

_____

Recording: Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____

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

by _____

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Edge Permits

RECEIVED SOLID & HAZARDOUS WASTE MANAGEMENT BRANCH SEP 21 1987

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

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

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

CERTIFIED COPY OF SOLID WASTE PERMIT

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Jerry Rhodes

Jerry Rhodes, Assistant Branch Head
Solid and Hazardous Waste Management Branch
Environmental Health Section

North Carolina

Edgecombe County

I, Lois B. Walker, a Notary Public for said County and State, do hereby certify that Jerry Rhodes, Assistant Branch Head, Solid and Hazardous Waste Management Branch, Environmental Health Section personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28th day of August, 1987.

OFFICIAL SEAL

LOIS B. WALKER NOTARY PUBLIC WAKE COUNTY N.C.

Lois B. Walker
NOTARY PUBLIC

My commission expires 1-29, 1990.

NORTH CAROLINA, Edgecombe County
Filed for registration this 17th day of September 1987 at 11:10 o'clock A.M. and duly registered in book 1001 Page 593
Gladys Shelton Pitt
Register of Deeds
By: Bettie R. Godfrey Assistant

BOOK 1001 PAGE 593

RECEIVED
SEP 22 1987
HAZARDOUS WASTE MANAGEMENT BRANCH

PERMIT NO. 33-B

DATE ISSUED 8/28/87

STATE OF NORTH CAROLINA

DEPARTMENT OF HUMAN RESOURCES

DIVISION OF HEALTH SERVICES

P. O. Box 2091 Raleigh, NC 27602

SOLID WASTE PERMIT

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on SR 1243, Edgecombe County,

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Jerry Rhodes

Jerry Rhodes, Assistant Branch Head
Solid and Hazardous Waste Management Branch
Environmental Health Section

BOOK 1001 PAGE 594

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FEB 6 1987 BRANCH

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(over)

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DATE ISSUED 8/28/87

SOLID WASTE PERMIT
(Demolition Landfill)

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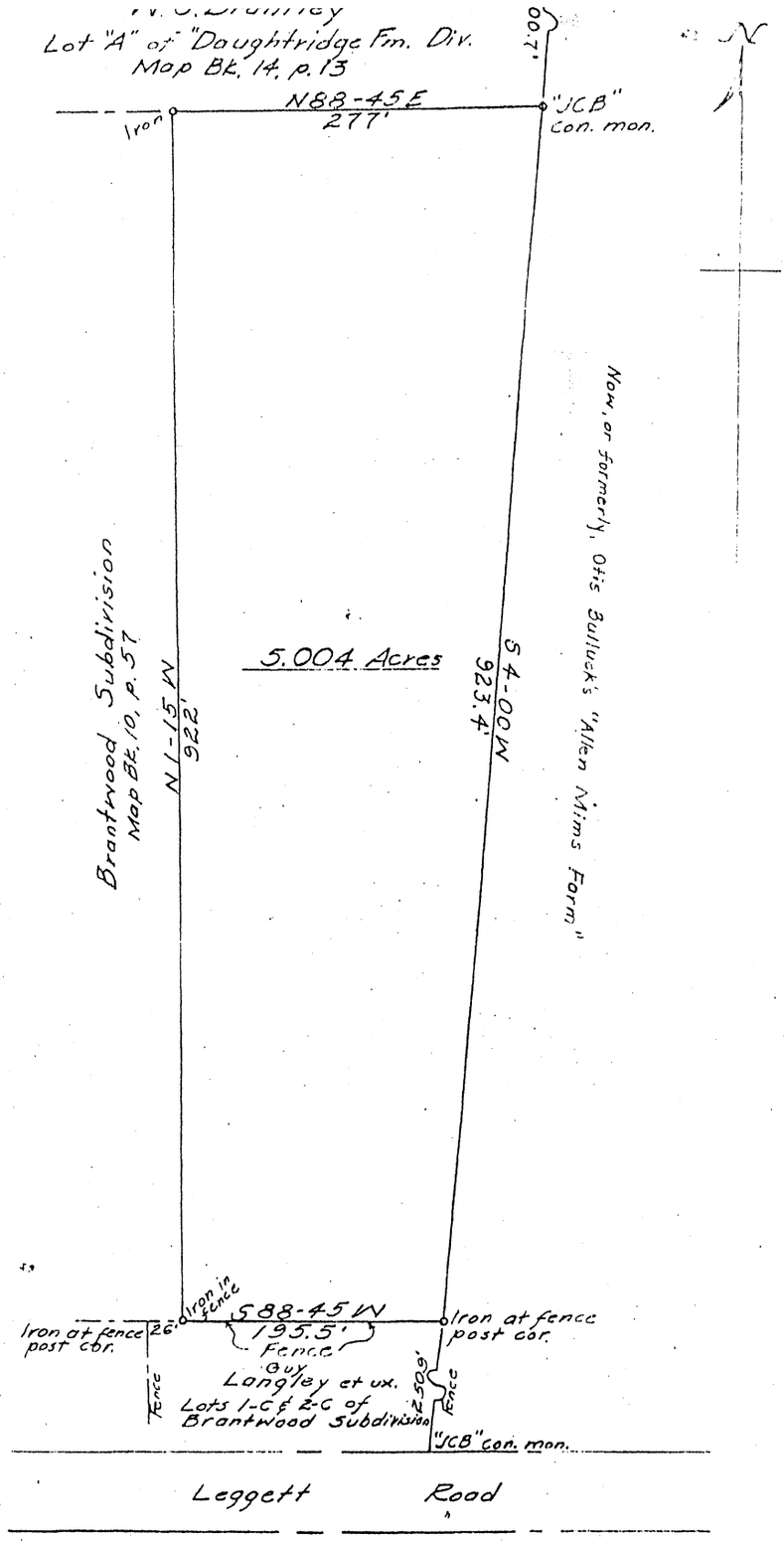
   Any modification or deviation from the approved plans shall be approved by the North Carolina Solid and Hazardous Waste Management Branch.

6. This facility shall conform to operating procedures in Rule .0507 of the Solid Waste Management Rules.

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

8. All earth-disturbing activities will be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4)



NORTH CAROLINA REGISTERED L-480 LAND SURVEYOR A. W. BOSWELL

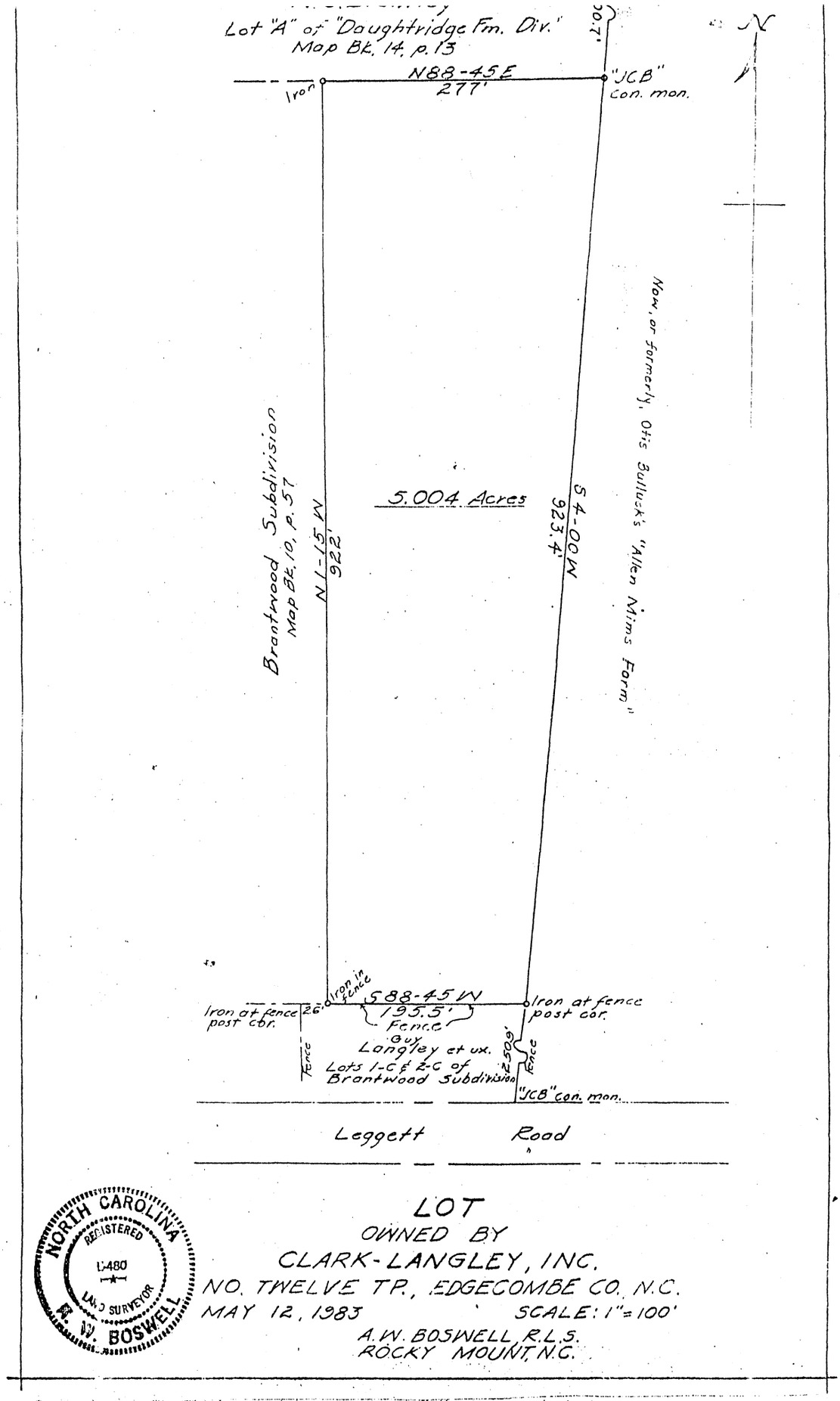
LOT
OWNED BY
CLARK-LANGLEY, INC.
NO. TWELVE TP., EDGECOMBE CO. N.C.
MAY 12, 1983 SCALE: 1"=100'
A.W. BOSWELL, R.L.S.
ROCKY MOUNT, N.C.

BOOK 941 PAGE 101

RECEIVED OCT 0 1987 HAZARDOUS WASTE MANAGEMENT BRANCH

property formerly
on plat entitled "Lot owned by Clark-Langley, Inc.
1983, a copy of which plat is attached hereto and made a part
hereof.

The aforesaid property is the same property conveyed by Edwin H. Brantley, et ux, et als, to Lucy F. Brantley, widow, by deed dated May
recorded in the Edgecombe County Registry.



property [illegible]
on plat entitled "Lot owned by Clark-Langley, Inc. [illegible]
1983, a copy of which plat is attached hereto and made a part
hereof.

The aforesaid property is the same property conveyed by Edwin H.
Brantley, et ux, et als, to Lucy F. Brantley, widow, by deed dated May
[illegible] the Edgecombe County Registry.

CLARK-LANGLEY, INC.

Grading Contractors

401 Farm Road
Rocky Mount, N.C. 27801
Phone: 443-5729

February 2, 1987

HAZARDOUS WASTE MANAGEMENT BRANCH
RECEIVED

Dear Sir:

Enclosed is materials and letters that comply with the rules outlined in Section .0506 and .0507 of the N. C. Solid Waste Management Rules.

CLARK-LANGLEY
DELLA →
443-5729
PAUL [illegible]

ONE GOVERNMENT PLAZA
POST OFFICE BOX 1180

ROCKY MOUNT
NORTH CAROLINA 27801

CITY OF ROCKY MOUNT

January 28, 1987

Mr. Fred Woods
NC Dept. of Human Resources
Solid Waste Division
Greenville, NC 27834

Dear Mr. Woods:

RE Solid Waste Permit for Clark-Langley, Inc.
Springfield Road in Edgecombe County

As per our telephone conversation of January 28, 1987, this letter is in response to your request for the City of Rocky Mount's position concerning the Clark-Langley solid waste permit.

I have discussed the City Zoning regulations with Mr. Dexter Moore, Director of the Department of Community Development which oversees the Zoning Ordinance for the City. Mr. Moore indicates the Zoning Ordinance does not prohibit a combination borrow pit and solid waste disposal site at this location.

This site has been in existence for many years and has been adequately cared for. Mr. Clark indicates they plan to secure the site for controlling unauthorized usage.

I look forward to meeting with you on the other matters we discussed. If I can be of further assistance, please do not hesitate to call me at 972-1299.

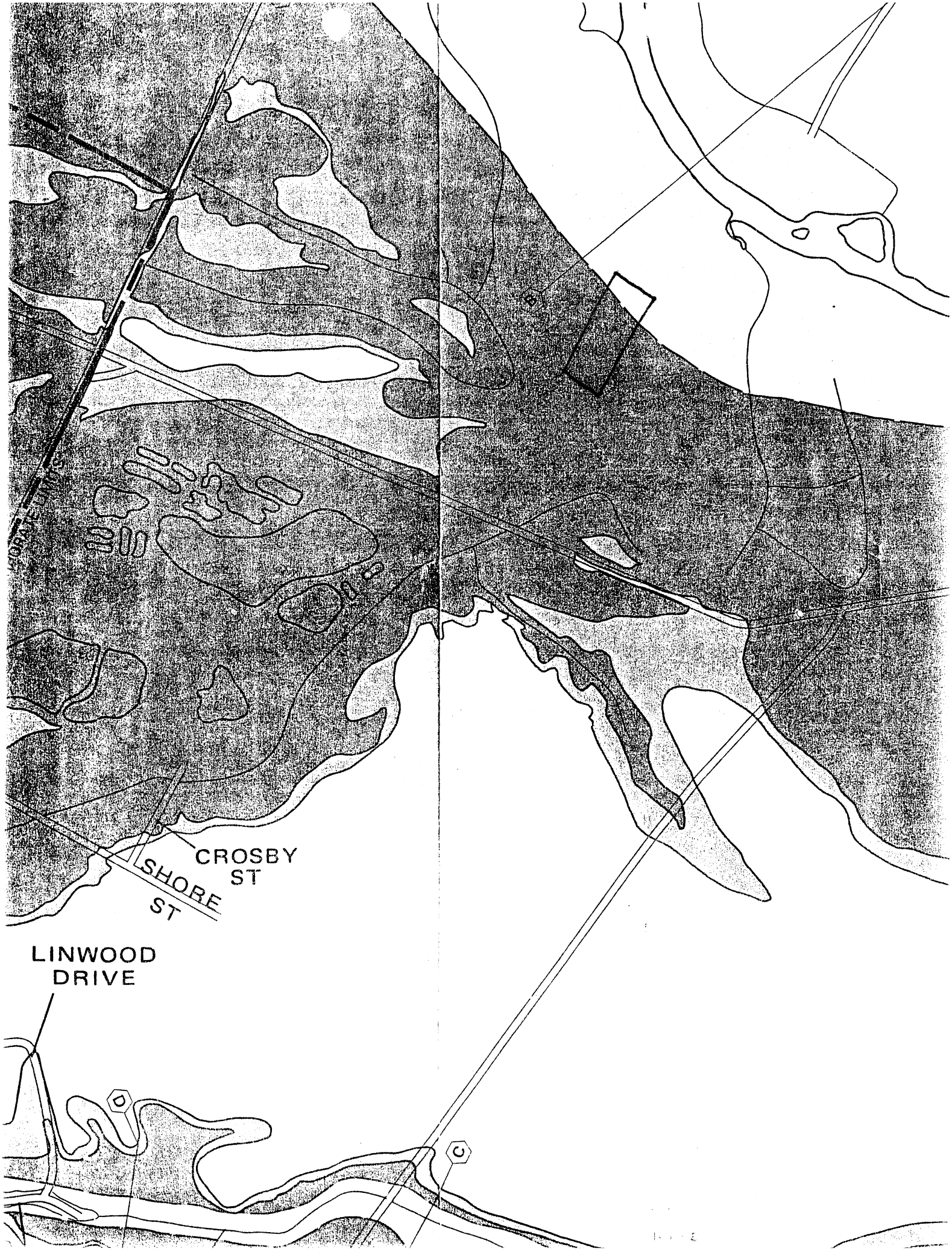
Sincerely,

D. S. Roberson, Jr.

D. S. Roberson, Jr.
Director of Public Works

c Mr. Dexter Moore
Mr. R. C. Clark
Mr. Richard Whitley

2 24 84
MOUNT MOUNT


CROSBY
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Phil Prete
P0226

State of North Carolina
Department of Environment
and Natural Resources
Washington Regional Office

James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary

NCDENR
NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Division of Waste Management
Solid Waste Section

January 20, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Simon Smith, Grading Division
Clark Langley, Inc.
PO Box 8286
Rocky Mount, NC 27804

RE: Notice of Violation
Clark Langley, Inc.
Facility Permit # 33B
Edgecombe County

Dear Mr. Smith:

Pursuant to North Carolina General Statutes 130A-22(a) and to 15A North Carolina Administrative Code 13B, you are hereby informed that Clark Langley, Inc. is operating a non-conforming solid waste disposal site.

On January 13, 1998, I inspected the Clark Langley, Inc. LCID landfill (permit #33B) located off Springfield Road in Edgecombe County. The inspection revealed that demolition waste material including plywood, treated and painted wood, plastic pipe, and furniture have been deposited in several piles located on the permitted area of the site. This constitutes a violation of the Solid Waste Permit issued for the facility and the North Carolina Solid Waste Management Rules, codified at 15A N.C. Admin.. Code 13B; specifically:

> 15A N.C. Admin.. Code 13B .0566(2) OPERATIONAL REQUIREMENTS FOR LAND CLEARING/INERT DEBRIS LANDFILLS which states that: "The facility shall only accept those solid wastes which it is permitted to receive."
>
> CONDITION 4. SOLID WASTE PERMIT which states in part: "This solid waste disposal site is permitted to receive solid waste as defined as stumps, limbs, leaves, concrete, brick, untreated-unpainted wood, and uncontaminated earth.

943 Washington Square Mall, Washington, North Carolina 27889 Telephone 919-946-6481 FAX 919-975-3716
An Equal Opportunity Affirmative Action Employer

Based on the foregoing, Clark Langley, Inc. is hereby ordered to comply with 15A N.C.A.C. 13B .0566(20 and condition (4) of the Solid Waste Disposal Permit by taking the following actions:

Immediately discontinue dumping illegal waste, and by March 13, 1998, comply with regulations concerning land clearing and inert debris landfill facilities at Section .0560 of 15A N.C. Admin.. Code 13B, as follows:

I. Remove all non-permitted solid waste from the site and properly dispose of in a facility permitted by the Division of Waste Management.

II Provide proof of proper disposal by mailing copies of all landfill receipts to Bobby Nelms, Solid Waste Section, DENR, 943 Washington Square Mall, Washington, NC 27889.

Pursuant to N.C.G.S. 130A-22(a) and 15A N.C.A.C. 13B .0701-.0707, an administrative penalty of up to $5,000.00 per day may be assessed for violation of the Solid Waste Management Laws or Regulations.

If you have any questions regarding this matter, please contact me at 919/946-6481, ext. 308.

Sincerely,

Bobby Nelms

Bobby Nelms
Environmental Technician

/ae

cc: Phil Prete
Terry Dover