

LCIDN33-F Permit Barnhill Contracting  
Rocky Mount Asphalt Plant

**Subject: Re: Barnhill LCID**

**Date:** Mon, 10 Nov 2003 11:09:23 -0500

**From:** Jim Barber <Jim.Barber@ncmail.net>

**Organization:** NC Dept. of Environment and Natural Resources

**To:** Peter Sokalski <psokalski@appianengineers.com>

Pete;

I was out of the office last week. Hopefully I will try and look at the application later this week or next. Once I get thru emails, voice mail and snail mail; I'll have a better handle on review progress.  
jim barber

Peter Sokalski wrote:

Mr. Barber, How are you doing? I am writing to check on the status of the Barnhill LCID located behind the Barnhill Rocky Mount Asphalt Plant in Rocky Mount, NC (located in Edgecombe county). If you could let me know how things are progressing and if you have any comments, I would greatly appreciate it! Thank you! Peter W. Sokalski, E.I.

**Appian Consulting Engineers**

**(252) 972-7703**

**(252) 972-7638 (fax)**

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**Subject: Re: Barnhill Site**

**Date:** Mon, 13 Oct 2003 09:56:36 -0400

**From:** Jim Barber <Jim.Barber@ncmail.net>

**Organization:** NC Dept. of Environment and Natural Resources

**To:** Peter Sokalski <psokalski@appianengineers.com>, Ben Barnes <Ben.Barnes@ncmail.net>

Pete;

Received the information on the Barnhill site. It sits with a number of other applications that I have a back-log on and I will try and review in the near future (hopefully by the end of Oct. or first of Nov.). Ben, if you have any concerns about the site, give me a call or send me a email with comments.

thanks

jim barber

Peter Sokalski wrote:

Mr. Barber, How are you doing today? I hope that you had a great weekend and ready to face the challenges of the week! I hope that I am not one of those challenges, but I do have a question on the location and review of the Barnhill LCID site in Rocky Mount area (Rocky Mount Asphalt Plant LCID) that we have submitted about two weeks ago. I have not heard any word and just wanted to see how things are progressing. Thank you for your time and I hope to talk with you soon! Peter W. Sokalski, E.I.

**Appian Consulting Engineers**

**(252) 972-7703**

**(252) 972-7638 (fax)**

*REUSE OF INFO CONTAINED ON THIS E-MAIL WILL BE AT THE SOLE RISK OF THE USER. IF CONFLICT EXISTS BETWEEN THE HARD SEALED COPY AND THE CAD INFO SUPPLIED, THE SEALED DRAWINGS CONTROL. APPIAN WILL NOT BE HELD LIABLE FOR ANY DESIGN PERFORMED USING COMPUTER DATA SUPPLIED HEREIN*

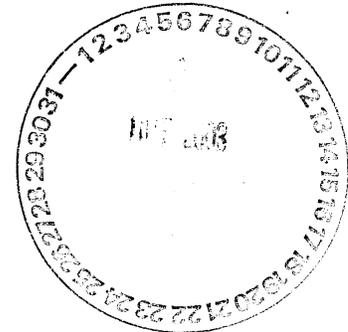
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Friday, October 03, 2003

**Mr. Jim Barber, Branch Supervisor  
Solid Waste Section – Permitting Branch  
Division of Waste Management  
North Carolina Department of Environment and Natural Resources  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646**

**Re: Rocky Mount Asphalt Plant LCID Landfill  
Exiting Permit # 33-F  
*Barnhill Contracting Company  
Letter of Verification for LCID Fill Facility***



Dear Mr. Barber,

This letter is to verify an existing LCID facility and apply for a repermit of the same site with additional phases of fill for future development. The following are the information requested by you on September 5, 2003:

**1. Existing LCID Facility Information:**

The site is currently located in the rear of the Barnhill Contracting Company property along NC 97 in Edgecombe County. The site is within the City of Rocky Mount jurisdiction. The property contains an existing and operating asphalt plant and a 33 +/- acre pond that is located between the LCID location and the road. There are two smaller ponds that are excavated pits that are located around the existing LCID landfill to help contain and clean sediment water. The site was permitted in October 1998 and expires in October 2003.

**2. Permitted and Remaining Volume of Fill:**

Based on the original maps produced for the landfill, the estimated volume of total fill for the site was approximately **220,000** cubic yards. Within the past five years, an estimated **69,097** cubic yards have been filled and utilized.

**3. Proposed Volume of Fill:**

The estimated volume of fill from Barnhill Contracting Company per year is between 10,000 to 14,000 cubic yards, which totals at the maximum range of 70,000 cubic yards for every 5-year period. The above estimate and the actual amount filled in the past 5 years were used to determine the future 3 phases of the project with the following breakdown:

- Phase I: 67,171 cubic yards
- Phase II: 71,341 cubic yards

- Phase III: 78,169 cubic yards

As you can see, the volume of fill slightly increased from phase to phase. We tried to account for continued growth in the area and the potential for increased amounts of volume within the next 10 to 15 years.

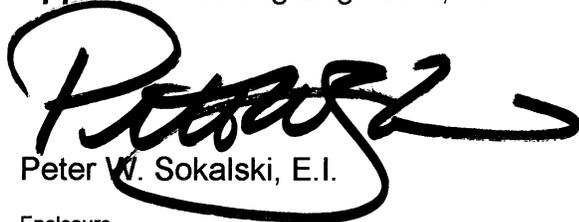
**4. Site Design and Construction Plans for LCID Facility:**

The construction plans for the LCID facility is enclosed with this letter of verification. The plans include the setbacks and meet the siting requirements of section .0564 of the Division of Solid Waste Management Regulations. The new flood maps for the area were used to determine the 100-year floodplain, which has been modified compared to the original submission for the site. The estimated 100-year floodplain is at elevation 77 and shown on the plans. No new fill is proposed within the 100-year floodplain as required by regulations.

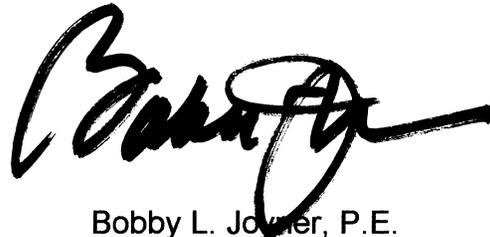
As shown by the 400-scale map on the cover sheet of the plans, no new development has occurred within the ¼-mile radius surrounding the existing LCID facility within the past 5 years. However, another LCID facility has been permitted within ½-mile just to the north of this existing facility and is owned and operated by the City of Rocky Mount.

Please let me know immediately if you have any questions or comments to the information provided above. Also, if you need additional information, please contact me immediately. Thank you for your time and support in reviewing this project.

Sincerely,  
Appian Consulting Engineers, PA



Peter W. Sokalski, E.I.



Bobby L. Joiner, P.E.

Enclosure

Cc: Mr. Wesley Brown, Barnhill Contracting Company  
File

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



November 20, 1998

JAMES B. HUNT JR.  
GOVERNOR

Mr. Allen Barnhill, President  
Barnhill Contracting Co., Inc.  
P.O. Box 1529  
Tarboro, North Carolina 27886

WAYNE McDEVITT  
SECRETARY

Subject: Rocky Mount Asphalt Plant Land Clearing and Inert Debris Landfill  
0.5 miles East of S.R. 1400 on the North side of Hwy. 97, Rocky Mount  
Edgecombe County, North Carolina  
Permit # 33-F

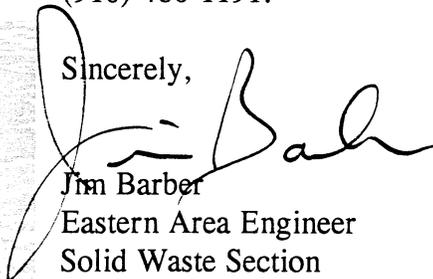
WILLIAM L. MEYER  
DIRECTOR

Dear Mr. Barnhill:

Enclosed is your original permit for the referenced project along with your approved site plans and approved operations plan. Sorry for the confusion of condition #3 in the permit. The Solid Waste Section(SWS) only needs a copy of the recorded permit for our files to insure that the permit has indeed been recorded against the property deed that the LCID landfill is located.

Please 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 Ben Barnes, Regional Waste Management Specialist when you are ready to schedule this meeting. Mr. Barnes 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  
Ben Barnes  
✓ Raleigh Central File: Permit # 33-F; Edgecombe County file

FAYETTEVILLE REGIONAL OFFICE  
225 GREEN STREET, SUITE 601, FAYETTEVILLE, NC 28301-5043  
PHONE 910-486-1191 FAX 910-486-1791

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



2311 North Main Street, P.O. Box 1529  
Tarboro, North Carolina 27886

252-823-1021 Fax: 252-823-0137

RECEIVED

NOV 13 1998

DIVISION OF WASTE MANAGEMENT  
FAYETTEVILLE REGIONAL OFFICE

November 11, 1998

Mr. Jim Barber  
Eastern Area Engineer  
N. C. Department of Environmental &  
Natural Resources  
Division of Waste Management  
225 Greene Street, Suite 601  
Fayetteville, North Carolina 28301-5043

Re: Rocky Mount Asphalt Plant Land  
Clearing & Inert Debris Landfill  
Edgecombe County, North Carolina  
Permit No. 33-F

Dear Mr. Barber:

We are respectfully returning the original Permit No. 33-F issued October 29, 1998. As per Condition No. 3, we have recorded this permit in the Register of Deeds Office in Book 1230, Page 0430. We are returning this permit for your use as requested.

We appreciate your cooperation concerning this matter and should you require any additional information, please do not hesitate to contact us.

Yours very truly,

BARNHILL CONTRACTING COMPANY

A handwritten signature in cursive script, appearing to read 'Allen Barnhill', is written over the typed name.

Allen Barnhill  
Vice President

AB/hws

Enclosures





RECEIVED

NOV 13 1998

DIVISION OF WASTE MANAGEMENT  
FAYETTEVILLE REGIONAL OFFICE

PERMIT NUMBER: 33-F

DATE ISSUED: 10/29/98

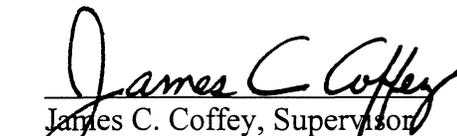
**SOLID WASTE PERMIT**

BARNHILL CONTRACTING COMPANY, INC.

are hereby issued a permit to CONSTRUCT & OPERATE CELL 1 of a

LAND CLEARING AND INERT DEBRIS LANDFILL

located at 0.5 miles East of State Road 1400 and on the North side of Hwy. 97 in Rocky Mount, Edgecombe 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: 33-F

PERMIT ISSUED: October 29, 1998

FACILITY NAME: ROCKY MOUNT ASPHALT PLANT LAND CLEARING &  
INERT DEBRIS LANDFILL

CONDITIONS OF PERMIT

1. This permit is issued for a period not to exceed five years from date of issuance, 29 October 2003. This permit is for the construction and operation of the landfill(Cell 1) to a height of 90msl according to the approved plans, sheet CE-1. Any revisions of these approved plans must be approved by the North Carolina Solid Waste Section.
2. Amendments or revisions to the NC Solid Waste Management Rules or any violation of groundwater standards may necessitate modification of the approved plans or closure of the facility.
3. **This permit shall not be effective unless the certified copy is filed in the Register of Deeds office and indexed in the grantor index under the name of the owner of the land in the county or counties in which the land is located.** The certified copy of the permit, affixed with the Register's seal and the date, book, and page number of recording shall be returned to the Division of Solid Waste Management, within **THIRTY (30)** working days, from date received. Please send the recorded permit copy to:

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

4. When this property is sold, leased, conveyed, or transferred, the deed or other instrument of transfer shall contain in the deed description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a land clearing and inert debris landfill.
5. This facility is permitted to receive land clearing waste, yard trash, untreated and unpainted wood, and inert debris such as rock, brick, concrete, concrete block, and uncontaminated soil. Waste acceptance requirements may be affected by future revisions and amendments to the NC General Statutes, or to the NC Solid Waste Management Rules.
6. Waste shall be placed a minimum of four (4) feet above the seasonal high water table.
7. This facility shall conform to the operational requirements of the NC Solid Waste Management Rules, 15A NCAC 13B .0566, and to the operational plan required by 15A NCAC 13B .0565(4) prepared by Hobbs, Upchurch & Associates, P.A.

PERMIT NUMBER: 33-C

PERMIT ISSUED: October 29, 1998

FACILITY NAME: ROCKY MOUNT ASPHALT PLANT LAND CLEARING &  
INERT DEBRIS LANDFILL

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. A certification letter, from a Registered Professional Engineer(Design Engineer typically), shall be submitted to the Section stating that the facility has been constructed in accordance with the approved plans.
  - d. Survey stakes/flags shall be installed to delineate the 100 year flood fringe on the south side of the cell and all test pits/holes used to estimate the seasonal high water table shall be backfilled prior to LCID waste placement.
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. Excavation, within the footprint of the disposal area(CELL 1 ), at this facility is not required by the approved plans. Any and all earth work shall be in accordance with the approved plan.
13. Open burning of land clearing waste is **PROHIBITED**.

ATTACHMENTS

R.M. Plant

NORTH CAROLINA

EDGECOMBE COUNTY

DEED, made this 30th day of November, 1978, by Hugh H. Battle, Jr., and wife, Evelyn J. Battle, of Nash County, North Carolina, and Maud B. Johnson and husband, L. P. Johnson, Jr., of Richmond, Virginia, Grantors, to Barnhill Contracting Company, a North Carolina corporation having its principal office in Edgecombe County, North Carolina, Grantee,

WITNESSETH:

In consideration of Ten Dollars and other valuable considerations paid by the Grantee to the Grantors, the receipt of which is hereby acknowledged, the Grantors have bargained and sold and by these presents do bargain, sell and convey unto the Grantee, its successors and assigns, the following described real estate situated in No. 17 Township, Edgecombe County, North Carolina:

Beginning at a point in the center of N. C. Highway 97, a corner with J. L. Brown as shown on the map of "Hugh H. Battle Estate" dated August 1, 1978, by R. Lowell Harris, Reg. Land surveyor, and recorded in the Edgecombe County Registry in Plat Book 18, Page 41; thence with the line of J. L. Brown N8-22E, and passing through an iron in the northern right-of-way line of said highway, 710.53 feet to an iron; thence continuing with the line of J. L. Brown N8-22E 471.47 feet to an iron, a corner with J. L. Brown and Wiley W. Clay; thence with the line of Wiley W. Clay to and with the lines of W. L. Marshall, et al N20-03E 2693.9 feet to an iron, a corner with property of Avalon Baptist Church in the line of Tract 2 of the Hugh H. Battle Estate as shown on the map heretofore referred to; thence with the line of Tract 2 S77-16E 803.96 feet to an iron in the line of Sarah M. Cade; thence with the line of Sarah M. Cade to and with the line of Welford Lee Winstead S8-50W 2056.94 feet to an iron; thence continuing with the line of Welford Lee Winstead S8-50W 971 feet to an iron; thence continuing with the line of Welford Lee Winstead, and passing through an iron in the northern right-of-way line of N. C. Highway 97, S8-50W 1406.93 feet to a point in the center of said N. C. Highway 97, a corner with Welford Lee Winstead; thence along the center of said highway N70-54W 186 feet, N62-51W 200 feet, N52-58W 200 feet and N49-31W 900 feet to the point of beginning, containing 111.54 acres, more or less, and being Tract 1 as shown on the map heretofore referred to, and being composed of that tract conveyed to Hugh H. Battle by Sallie Haywood B. King by deed recorded in Book 503, Page 141, Edgecombe County Registry, part of that tract

Excise Tax 66.00  
NORTH CAROLINA  
DEC 29 1978  
EDGECOMBE COUNTY

of 130 acres conveyed to H. H. Battle by Mary B. Spruill and husband, W. E. Spruill, by deed recorded in Book 354, Page 300, Edgecombe County Registry, and part of that tract of 424.5 acres, more or less, in which Sallie Haywood B. King et al conveyed their interest to Hugh H. Battle by deed to perfect partition recorded in Book 350, Page 581, Edgecombe County Registry. Said Tract 1 of 111.54 acres, more or less, is part of the real estate devised to Hugh H. Battle, Jr. and Maud B. Johnson by the will of Hugh Horn Battle recorded in the office of the Edgecombe County Clerk of Superior Court in Estate Jacket 72E105.

TO HAVE AND TO HOLD the above described real estate unto the Grantee, its successors and assigns, in fee simple forever.

And the Grantors do hereby warrant that they are seized of the above described property in fee simple and have the right to convey the same in fee simple; that the same are free and clear of all encumbrances except as herein set out and that they will warrant and defend the title to the same against the claims of all persons.

The conveyance of the above described property is expressly made subject to those easements or rights of way conveyed by Hugh H. Battle, Jr., and others to the City of Rocky Mount by deed recorded in Book 876, Page 639, Edgecombe County Registry, and all other existing rights of way or easements for public highways, roads, utility lines and other valid easements, whether recorded or not.

This conveyance is also made subject to the right of the current farm renter on the above described land to complete the 1978 farming season.

Property taxes for the year 1978 will be paid by the Grantors and the Grantee accepts this conveyance subject to all real estate taxes for subsequent years.

IN WITNESS WHEREOF, Grantors have hereunto set their hands

and seals this the day and year first above written.

Hugh H. Battle, Jr. (SEAL)  
Hugh H. Battle, Jr.

Evelyn J. Battle (SEAL)  
Evelyn J. Battle

Maud B. Johnson (SEAL)  
Maud B. Johnson

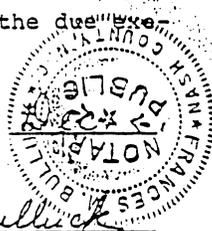
L. P. Johnson, Jr. (SEAL)  
L. P. Johnson, Jr.

NORTH CAROLINA

COUNTY OF Nash

I, Francis M. Bullock, Notary Public, certify that Hugh H. Battle, Jr., and wife, Evelyn J. Battle, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal this 4<sup>th</sup> day of July 1978.



Francis M. Bullock  
Notary Public

My commission expires: 3/26/80

STATE OF VIRGINIA

COUNTY OF HENRICO

I, Richard Cook, Notary Public, certify that Maud B. Johnson ~~and Evelyn J. Battle, Jr.~~ Co., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal this 30<sup>th</sup> day of November 1978.



Richard Cook  
Notary Public

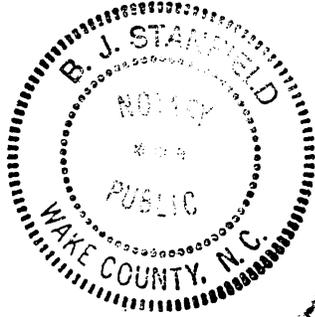
My commission expires: My Commission Expires August 10, 1982

ATTACHMENTS

1. Original permit submittal document dated 18 August 1998 and received 19 August 1998.
2. Original site plan/operational drawing for sheet CE-2 dated July 1998 and received 19 August 1999; revised site plan/operational drawing for sheet CE-1 revised 5 October 1998 and received 19 October 1998.
3. Letter dated 10 August 1998 from the City of Rocky Mount addressing zoning and 100 Year Floodplain issues.
4. Revised permit submittal document dated 12 October 1998 and received 19 October 1998.
5. Revised site plan and operational drawing(Sheet CE-1) dated 5 October 1998 and received 19 October 1998.
6. Approved Soil & Erosion Control Plan letter dated 14 August 1998 incorporated into the permit submittal document.

CERTIFIED COPY OF SOLID WASTE PERMIT

I do hereby certify that the attached permit is an exact and true copy of Permit Number 33-F.



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, <sup>Solid Waste Section</sup> personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 29 day of October, 1998

B. J. Stanfield  
Notary Public

My commission expires December 29, 1999.

**NORTH CAROLINA, EDGECOMBE COUNTY**

The foregoing certificate of B. J. Stanfield  
A Notary Public, is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 1230 Page 430 This 9 day of November 1998 at 11:14 o'clock A. M.

Judy W. Cole  
Register of Deeds  
By Brenda M. Creech, Deputy

\$ 22.00

Given to Wm Davis

11:14 am



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

October 29, 1998



JAMES B. HUNT JR.  
GOVERNOR

WAYNE McDEVITT  
SECRETARY

WILLIAM L. MEYER  
DIRECTOR

Mr. Allen Barnhill, President  
Barnhill Contracting Co., Inc.  
P.O. Box 1529  
Tarboro, North Carolina 27886

Subject: Rocky Mount Asphalt Plant Land Clearing and Inert Debris Landfill  
0.5 miles East of S.R. 1400 on the North side of Hwy. 97, Rocky Mount  
Edgecombe County, North Carolina  
Permit # 33-F

Dear Mr. Barnhill:

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 & OPERATE Cell #1, as shown on sheet CE-1of the approved plans. The issuance of this permit does not exempt an applicant from any local ordinances that may regulate a facility and the responsibility of compliance with any applicable ordinance lies with the permit holder.

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

Also note Condition No. 9, which requires that we hold a pre-operative meeting and that outlines the pre-operative conditions that need to be met prior to operation. Please contact Ben Barnes, Regional Waste Management Specialist when you are ready to schedule this meeting. Mr. Barnes 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  
Ben Barnes

✓ Raleigh Central File: Permit # 33-F; Edgecombe County file

FAYETTEVILLE REGIONAL OFFICE  
225 GREEN STREET, SUITE 601, FAYETTEVILLE, NC 28301-5043  
PHONE 910-486-1191 FAX 910-486-1791

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

**CERTIFIED COPY OF SOLID WASTE PERMIT**

I do hereby certify that the attached permit is an exact and true copy of Permit Number 33-F.



*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 29 day of OCTOBER, 1998

*B. J. Stanfield*  
Notary Public

My commission expires DECEMBER 29, 1999.

PERMIT NUMBER: 33-F  
DATE ISSUED: 10/29/98

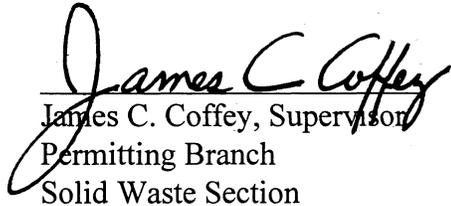
**SOLID WASTE PERMIT**

BARNHILL CONTRACTING COMPANY, INC.

are hereby issued a permit to CONSTRUCT & OPERATE CELL 1 of a

**LAND CLEARING AND INERT DEBRIS LANDFILL**

located at 0.5 miles East of State Road 1400 and on the North side of Hwy. 97 in Rocky Mount, Edgecombe 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: 33-F

PERMIT ISSUED: October 29, 1998

FACILITY NAME: ROCKY MOUNT ASPHALT PLANT LAND CLEARING &  
INERT DEBRIS LANDFILL

CONDITIONS OF PERMIT

1. This permit is issued for a period not to exceed five years from date of issuance, 29 October 2003. This permit is for the construction and operation of the landfill(Cell 1) to a height of 90msl according to the approved plans, sheet CE-1. Any revisions of these approved plans must be approved by the North Carolina Solid Waste Section.
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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.
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7. This facility shall conform to the operational requirements of the NC Solid Waste Management Rules, 15A NCAC 13B .0566, and to the operational plan required by 15A NCAC 13B .0565(4) prepared by Hobbs, Upchurch & Associates, P.A.

PERMIT NUMBER: 33-C

PERMIT ISSUED: October 29, 1998

FACILITY NAME: ROCKY MOUNT ASPHALT PLANT LAND CLEARING &  
INERT DEBRIS LANDFILL

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. A certification letter, from a Registered Professional Engineer (Design Engineer typically), shall be submitted to the Section stating that the facility has been constructed in accordance with the approved plans.
  - d. Survey stakes/flags shall be installed to delineate the 100 year flood fringe on the south side of the cell and all test pits/holes used to estimate the seasonal high water table shall be backfilled prior to LCID waste placement.
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. Excavation, within the footprint of the disposal area (CELL 1 ), at this facility is not required by the approved plans. Any and all earth work shall be in accordance with the approved plan.
13. Open burning of land clearing waste is PROHIBITED.

NORTH CAROLINA

R.M. Plant

EDGECOMBE COUNTY

DEED, made this 30th day of November, 1978, by Hugh H. Battle, Jr., and wife, Evelyn J. Battle, of Nash County, North Carolina, and Maud B. Johnson and husband, L. P. Johnson, Jr., of Richmond, Virginia, Grantors, to Barnhill Contracting Company, a North Carolina corporation having its principal office in Edgecombe County, North Carolina, Grantee,

WITNESSETH:

In consideration of Ten Dollars and other valuable considerations paid by the Grantee to the Grantors, the receipt of which is hereby acknowledged, the Grantors have bargained and sold and by these presents do bargain, sell and convey unto the Grantee, its successors and assigns, the following described real estate situated in No. 7 Township, Edgecombe County, North Carolina:

Beginning at a point in the center of N. C. Highway 97, a corner with J. L. Brown as shown on the map of "Hugh H. Battle Estate" dated August 1, 1978, by R. Lowell Harris, Reg. Land surveyor, and recorded in the Edgecombe County Registry in Plat Book 18, Page 41; thence with the line of J. L. Brown N8-22E, and passing through an iron in the northern right-of-way line of said highway, 710.53 feet to an iron; thence continuing with the line of J. L. Brown N8-22E 471.47 feet to an iron, a corner with J. L. Brown and Wiley W. Clay; thence with the line of Wiley W. Clay to and with the lines of W. L. Marshall, et al N20-03E 2693.9 feet to an iron, a corner with property of Avalon Baptist Church in the line of Tract 2 of the Hugh H. Battle Estate as shown on the map heretofore referred to; thence with the line of Tract 2 S77-16E 803.96 feet to an iron in the line of Sarah M. Cade; thence with the line of Sarah M. Cade to and with the line of Welford Lee Winstead S8-50W 2056.94 feet to an iron; thence continuing with the line of Welford Lee Winstead 971 feet to an iron; thence continuing with the line of Welford Lee Winstead, and passing through an iron in the northern right-of-way line of N. C. Highway 97, S8-50W 1406.93 feet to a point in the center of said N. C. Highway 97, a corner with Welford Lee Winstead; thence along the center of said highway N70-54W 186 feet, N62-51W 200 feet, N52-58W 200 feet and N49-31W 900 feet to the point of beginning, containing 111.54 acres, more or less, and being Tract 1 as shown on the map heretofore referred to, and being composed of that tract conveyed to Hugh H. Battle by Sallie Haywood B. King by deed recorded in Book 503, Page 141, Edgecombe County Registry, part of that tract

Excise Tax 166.00  
NORTH CAROLINA  
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of 130 acres conveyed to H. H. Battle by Mary B. Spruill and husband, W. E. Spruill, by deed recorded in Book 354, Page 300, Edgecombe County Registry, and part of that tract of 424.5 acres, more or less, in which Sallie Haywood B. King et al conveyed their interest to Hugh H. Battle by deed to perfect partition recorded in Book 350, Page 581, Edgecombe County Registry. Said Tract 1 of 111.54 acres, more or less, is part of the real estate devised to Hugh H. Battle, Jr. and Maud B. Johnson by the will of Hugh Horn Battle recorded in the office of the Edgecombe County Clerk of Superior Court in Estate Jacket 72E105.

TO HAVE AND TO HOLD the above described real estate unto the Grantee, its successors and assigns, in fee simple forever.

And the Grantors do hereby warrant that they are seized of the above described property in fee simple and have the right to convey the same in fee simple; that the same are free and clear of all encumbrances except as herein set out and that they will warrant and defend the title to the same against the claims of all persons.

The conveyance of the above described property is expressly made subject to those easements or rights of way conveyed by Hugh H. Battle, Jr., and others to the City of Rocky Mount by deed recorded in Book 876, Page 639, Edgecombe County Registry, and all other existing rights of way or easements for public highways, roads, utility lines and other valid easements, whether recorded or not.

This conveyance is also made subject to the right of the current farm renter on the above described land to complete the 1978 farming season.

Property taxes for the year 1978 will be paid by the Grantors and the Grantee accepts this conveyance subject to all real estate taxes for subsequent years.

IN WITNESS WHEREOF, Grantors have hereunto set their hands

and seals this the day and year first above written.

Hugh H. Battle, Jr. (SEAL)  
Hugh H. Battle, Jr.

Evelyn J. Battle (SEAL)  
Evelyn J. Battle

Maud B. Johnson (SEAL)  
Maud B. Johnson

L. P. Johnson, Jr. (SEAL)  
L. P. Johnson, Jr.

NORTH CAROLINA

COUNTY OF Nash

I, Francis M. Bulluck, Notary Public, certify that Hugh H. Battle, Jr., and wife, Evelyn J. Battle, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal this 4<sup>th</sup> day of November 1978.



Francis M. Bulluck  
Notary Public

My commission expires: 3/26/80

STATE OF VIRGINIA

COUNTY OF HENRICO

I, Richard Cook, Notary Public, certify that Maud B. Johnson ~~and Evelyn J. Battle, Jr.~~ co., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal this 30<sup>th</sup> day of November 1978.



Richard Cook  
Notary Public

My commission expires: My Commission Expires August 10, 1982

## ATTACHMENTS

1. Original permit submittal document dated 18 August 1998 and received 19 August 1998.
2. Original site plan/operational drawing for sheet CE-2 dated July 1998 and received 19 August 1998; revised site plan/operational drawing for sheet CE-1 revised 5 October 1998 and received 19 October 1998.
3. Letter dated 10 August 1998 from the City of Rocky Mount addressing zoning and 100 Year Floodplain issues.
4. Revised permit submittal document dated 12 October 1998 and received 19 October 1998.
5. Revised site plan and operational drawing(Sheet CE-1) dated 5 October 1998 and received 19 October 1998.
6. Approved Soil & Erosion Control Plan letter dated 14 August 1998 incorporated into the permit submittal document.

