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Backus	10/13/2008	6005



**RICHARDSON SMITH GARDNER & ASSOCIATES**

Engineering and Geological Services

October 3, 2008

Ms. Pat Backus, P.E.  
*Environmental Engineer*  
**North Carolina Department of Environment and Natural Resources**  
*Division of Waste Management - Solid Waste Section*  
401 Oberlin Road, Suite 150  
Raleigh, North Carolina 27605

**Re: Permit General Condition #3 and Operating Condition #26 Submittals  
Shotwell Transfer Station, Inc. (NC Solid Waste Permit No. 92-27T)  
Raleigh, North Carolina**

Dear Ms. Backus:

On behalf of Shotwell Transfer Station, Inc., Richardson Smith Gardner & Associates, Inc. (RSG) is hereby transmitting the **attached** permit recorded on September 23, 2008 as required under General Condition #3 of the above referenced permit.

Additionally, we are providing (**attached**) a copy of the proposed Irrevocable Letter of Credit (LOC) and a commitment letter from Mr. Brad Pollock with BB&T. As such, we are requesting a one (1) week extension of the 30 day requirement to allow for a closing on this letter. At this time, the executed LOC will be forwarded to the Department in accordance with Operating Condition #26.

Should you have any questions or require clarification, please contact me at (919) 828-0577 ext. 127 or by email at [stacey@rsgengineers.com](mailto:stacey@rsgengineers.com).

Sincerely,  
**Richardson Smith Gardner & Associates, Inc.**

Stacey A. Smith, P.E.  
Project Manager

Att.

Cc: Mr. David King, Shotwell Transfer Station, Inc.  
Ms. Michelle Pearson, Shotwell Transfer Station, Inc.  
Mr. Jason Watkins, NCDENR  
Mr. Bradley Bailey, NCDENR  
File

H:\Projects\Shotwell Transfer Station(s)\Thornton Road (North Raleigh)\letter10-3-08.wpd

BK013251PG00917

WAKE COUNTY, NC 291  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
09/23/2008 AT 15:21:48

BOOK:013251 PAGE:00917 - 00934

PERMIT

Hold 161

**NOTE: THE SPACE ABOVE IS FOR THE REGISTER OF DEEDS USE**  
THIS PAGE IS PROVIDED FOR RECORDATION PURPOSES. THE ENTIRE  
DOCUMENT, INCLUDING THIS PAGE, SHOULD BE RECORDED IN THE GRANTOR  
INDEX UNDER THE NAME OF THE LANDOWNER FOR THE PARCEL OF  
PROPERTY LOCATED IN WAKE COUNTY AND SAID PROPERTY BEING OWNED  
BY DYNASTY HOLDINGS, LLC AND FURTHER IDENTIFIED BY THE DEEDS  
RECORDED AS LISTED BELOW:

Wake County, N.C. Register of Deeds			
Book	Page	Grantee	Grantor
Book of Maps 2007	2838	Recombination Plat New Lot 3 Area	
13204	806-808	Dynasty Holdings, LLC	Dynasty Holdings, LLC
			Total Site Acreage: 9.849

THE PURPOSE OF THIS RECORDATION IS TO NOTIFY FUTURE BUYERS OF SAID  
PROPERTY THAT A SOLID WASTE MANAGEMENT ACTIVITY HAS OPERATED ON  
THE PROPERTY.



BK013251PG00919

I do hereby certify that the attached PERMIT TO CONSTRUCT AND OPERATE is an exact and true original of PERMIT NUMBER 92-27T for the Thornton Road Mixed Waste Transfer Station and Recycling Center.

Edward F. Mussler, III, P.E.  
Permitting Branch Supervisor  
Solid Waste Section  
Division of Waste Management

North Carolina

Wake County

I, Betty Jo Stanfield, Notary Public for Wake County,

North Carolina, do hereby certify that Edward F. Mussler, III, Supervisor of the Permitting Branch, Solid Waste Section, Division of Waste Management, NCDENR, personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal,

This the 5 day of September, 2008.

OFFICIAL SEAL

Betty Jo Stanfield  
NOTARY PUBLIC



My commission expires December 29, 2009.

Note to Register of Deeds: This certified original permit shall be recorded by the Register of Deeds and indexed in the grantor index under the name of the land owner. The certified original affixed with the Register's seal and the date, book, and page number of recording shall be returned to the Permitting Branch Supervisor, Division of Waste Management, Solid Waste Section, 1646 Mail Service Center, Raleigh, NC 27699-1646.

## ATTACHMENT 1

### PART I: PERMITTING HISTORY

1. Neuse Landfill operated on this property as a permitted Land-Clearing and Inert Debris landfill (LCID) from 1988 to 1999 with Lemuel H. Thornton, landowner, and Neuse Landfill, Inc., operator. A notification that the landfill closure was in compliance with all closure requirements was issued on February 8, 1999, by Wake County Solid Waste Management.
2. Permits to Construct (PTC) and to Operate (PTO) a Construction and Demolition Debris (C&D) transfer station on this property were issued to Lemuel H. Thornton, landowner, and PCM Construction, operator, as Permit No. 92-27T in 2001. The facility, PCM North Raleigh C&D Transfer Facility, was approved to receive new construction debris only.
3. A permit modification was approved in 2003 to add a sorting area for the management of clean lumber, metal, and cardboard and to designate areas for inert debris.
4. The property was sold from Lemuel H. Thornton to Dynasty Holdings, LLC and recorded on November 2, 2006, in Book 12249, Pages 225-227 in the Wake County Register of Deeds. PCM Construction continued as operator until December 31, 2007.
5. An application to construct and operate a new transfer facility was submitted on December 14, 2007, by Shotwell Transfer Station, Inc. The application requested approval of a new transfer facility building, including both a construction and demolition debris transfer facility, with sorting of recyclables, and a municipal solid waste transfer facility.
6. Subsequent to the purchase of the facility, Shotwell Transfer Station, Inc. has submitted information and documentation to the Solid Waste Section to apply for the permit to operate the facility to be re-issued to Dynasty Holdings, LLC and Shotwell Transfer Station, Inc. Both Dynasty Holdings, LLC and Shotwell Transfer Station, Inc. are owned by David King. During this period, Shotwell Transfer Station, Inc. has continued to operate the construction and demolition debris transfer station as previously permitted to PCM Construction.

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Permit Type	Date Issued
Original Permit to Construct (PTC)	February 12, 2001
Original Permit to Operate (PTO)	March 5, 2001
PTC Modification – Sorting area added	May 19, 2003
PTO Amendment – 5-yr renewal	September 16, 2005
PTC and PTO New Transfer Facility – Increase in property size; new transfer station construction; changes in facility name, owner, operator, approved waste, service area, disposal facilities, and operations plan	September 4, 2008

#### PART II: LIST OF DOCUMENTS FOR THE APPROVED PLAN

1. *Permit to Construct Application and Operations Plan, PCM North Raleigh Transfer, Raleigh, North Carolina.* Prepared by: Bass, Nixon and Kennedy, Inc., Raleigh, NC. Prepared for PCM Construction. Dated January 11, 2001.
2. Site plan for the PCM North Raleigh transfer station. Prepared by Bass, Nixon and Kennedy, Inc., Raleigh, NC. December 11, 2000. Revised February 13, 2001.
3. Site plan for PCM North Raleigh transfer station. Prepared by Bass, Nixon and Kennedy, Inc., Raleigh, NC. Dated December 11, 2000. Revised February 1, 2001 and March 26, 2003. Revision addressed the addition of a sorting area for the management of clean lumber, metal, cardboard and designated areas for inert debris.
4. *Permit Application for Thornton Road Mixed Waste Transfer and Recycling Center, Raleigh, North Carolina.* Prepared by: Richardson Smith Gardner and Associates, Raleigh, NC. Prepared for: Shotwell Transfer Station, Inc., Raleigh, NC. December 14, 2007. Revised June 3, 2008, July 18, 2008, and July 23, 2008.

**PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY**

<b>Wake County, N.C. Register of Deeds</b>					
Book	Page	Grantee	Grantor	Tract	Parcel No.
Book of Maps 2007	2838	Recombination Plat New Lot 3 Area			173 842 9684
13204	806-808	Dynasty Holdings, LLC	Dynasty Holdings, LLC	3	173 842 9684
					Total Site Acreage: 9.849

**PART IV: GENERAL CONDITIONS**

1. This permit shall expire September 5, 2014. Pursuant to 15A NCAC 13B .0201(e), no later than May 5, 2014, the owner or operator must submit a request to the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section ("Section") for permit review and must update pertinent facility plans including, but not limited to, the facility operation and waste screening plans.
2. The persons to whom this permit is issued ("permittee") are the owners and operators of the solid waste management facility.
3. This permit shall not be effective until the certified copy of this permit which references legal descriptions for all land within the solid waste management facility boundary is recorded 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 must be returned to the Section within 30 calendar days of issuance of this permit. If the Section does not receive the certified copy of the recorded permit within 30 calendar days of issuance of the permit, then and in that event, the permit is suspended and of no effect until the date the Section receives the certified copy of the recorded permit.
4. (Intentionally blank)
5. By receiving waste at this facility the permittee shall be considered to have accepted the terms and conditions of this permit.
6. Operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of the Chapter 130A of the North

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Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit; and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition.

7. This permit is issued based on the documents submitted in support of the application for permitting the facility including those identified in Attachment 1, "List of Documents for Approved Plan," and which constitute the approved plan for the facility. Where discrepancies exist, the most recent submittals and the Conditions of Permit shall govern.
8. This permit may be transferred only with the approval of the Section, through the issuance of a new or substantially amended permit in accordance with applicable statutes and rules. In accordance with NCGS 130A-295.2(g) the permittee shall notify the Section thirty (30) days prior to any significant change in the identity or business structure of either the owner or the operator, including but not limited to a proposed transfer of ownership of the facility or a change in the parent company of the owner or operator of the facility.
9. The permittee is responsible for obtaining all permits and approvals necessary for the development of this project including approval from appropriate agencies for a General or Individual NPDES Stormwater Discharge Permit. Issuance of this permit does not remove the permittee's responsibilities for compliance with any other local, state or federal rule, regulation or statute.

- End of Section -

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## ATTACHMENT 2 CONDITIONS OF PERMIT TO CONSTRUCT

### PART I: TRANSFER FACILITY CONSTRUCTION CONDITIONS

1. Construction of the transfer facility must be in accordance with the approved plans, Attachment 1, Part II, Document 4. Any revision or modification to these plans shall be submitted to the NC Solid Waste Section for review and approval prior to installation, construction or implementation of the change.
2. All sedimentation and erosion control activities must be conducted in accordance with the Sedimentation Control Act N.C.G.S. 113A-50, et seq., and rules promulgated under 15A NCAC 4.
3. The transfer facility construction conditions listed in this part of the permit, Attachment 2, Part I, are in effect for 18 months following the issuance date of this permit. If construction of the transfer facility and pre-operational approval is not completed within the 18 months, the permittee shall submit a request to reissue the Permit to Construct and Operate, and pay a Transfer Station Permit Modification Fee. The facility design and Operation Plan shall be subject to and shall comply with the rules in effect at that time.
4. Under 15A NCAC 13B .0201(b), solid waste permits are issued in two parts, (i) a Permit to Construct, and (ii) a Permit to Operate. This part of the permit, Attachment 2, Part I, authorizes the construction of the facility in accordance with the approved documents shown in Attachment 1, Part II, Document 4, and the NC Solid Waste Rules.
5. An approval to operate by the Section is required prior to commencement of operations at the referenced transfer facility. The following requirements shall be met prior to issuance of an approval to operate:
  - a. A site inspection shall be made by a representative of the Section.
  - b. Construction must be completed in accordance with the approved plan. A certification letter stating that the facility and related infrastructure was constructed in accordance with the approved plan shall be submitted to the Section by the Project Engineer who shall be a North Carolina registered professional engineer.

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- c. Three (3) copies of the construction record (As-built) drawings, and one electronic copy, must be submitted to the Section for filing and records.
6. A representative of the Section shall notify the Permitting Branch Supervisor in writing, either by letter or e-mail, that the conditions have been met. The owner and operator shall be copied on the correspondence. The notification shall suffice as permission to operate as of the date of the notification.
7. The permittee must comply with any driveway and road improvements, as required by the Department of Transportation, and in accordance with N.C.G.S. 13A 295.5.

*- End of Section-*

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### ATTACHMENT 3 CONDITIONS OF OPERATING PERMIT

#### PART I: OPERATING CONDITIONS

1. The facility is permitted to receive the following:
  - a. "Municipal solid waste" as defined in NCGS 130A -290(a)(18a).
  - b. "Construction or demolition debris" as defined in G.S. 130A-290 (a)(4) means solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris or yard debris.
  - c. "Inert debris" as defined in G.S. 130A-290 (a)(14) means solid waste that consists solely of material such as concrete, brick, concrete block, uncontaminated soil, rock, and gravel.
  - d. "Land-clearing debris" as defined in G.S. 130A-290 (a)(15) means solid waste that is generated solely from land-clearing activities, such as stumps and tree trunks.
  - e. "Asphalt" in accordance with G.S. 130-294(m).
  
2. The following, at a minimum must not be accepted for disposal at the facility: hazardous waste, yard trash, liquid wastes, regulated medical waste, sharps not properly packaged, regulated-asbestos containing material as defined in 40 CFR 61, PCB waste as defined in 40 CFR 761, and wastes banned from disposal in North Carolina by G.S. 130A-309.10(f). The C&D transfer facility shall not accept those wastes prohibited from disposal in a C&D landfill, as listed in 15A NCAC 13B .0542(e). Barrels and drums shall not be accepted unless they are empty and perforated sufficiently to ensure that no liquid or hazardous waste is contained therein.
  
3. This facility is permitted to receive solid waste generated within Wake, Johnston, Durham, Granville, Franklin, Nash, Harnett, and Chatham counties. Municipal solid waste must be transported for disposal to the Upper Piedmont Regional Landfill located in Rougemont, Permit Number 73-04; the Sampson County Municipal Solid Waste (MSW) Landfill located in Roseboro, Permit Number 82-02; and the South Waste MSW Landfill, Permit Number 92-22 located in Holly Springs. Construction and demolition waste or debris (C&D) must be transported for disposal to Shotwell C&D Landfill located in Wendell, Permit Number 92-26; WCA Material Recovery C&D Landfill

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located in Raleigh, Permit Number 92-31; and Red Rock Disposal C&D Landfill located in Holly Springs, Permit Number 92-28. Waste must only be transported to facilities whose service area includes the generation source. Proposed changes to the service area and/or the disposal facility must be approved by the Section and are a modification to the permit and may be subject to a permitting fee.

4. The permittee must not knowingly dispose of, or accept for transfer for subsequent disposal, solid waste that is generated within the boundaries of a unit of local government that by ordinance:
  - a. Prohibits generators or collectors of solid waste from disposing of that type or form of solid waste.
  - b. Requires generators or collectors of solid waste to recycle that type or form of solid waste.
5. A responsible individual trained and certified in facility operations must be on-site at all times during all operating hours of the facility, in accordance with G.S. 130A-309.25. An attendant must be present to oversee the loading and unloading of waste.
6. The permittee must develop, and use, a training and screening program at the facility for detecting and preventing unauthorized wastes from being accepted at the facility. At a minimum, the program must include:
  - a. Random inspections of incoming loads or other comparable procedures.
  - b. Records of all inspections.
  - c. Training of personnel to recognize hazardous, liquid and other excluded waste types.
  - d. Development of a contingency plan to properly manage any identified hazardous, liquid, or other excluded or unauthorized wastes. The plan must address identification, removal, storage and final disposition of these wastes.
7. The facility must be adequately secured by means of gates, chains, berms, fences, or other security measures approved by the Solid Waste Section to prevent unauthorized entry.
8. Interior roadways must be of all-weather construction and maintained in good condition.

9. Signs must be posted at the entrance to the facility that state that no hazardous waste or liquid waste can be received at the facility; and provide information on dumping procedures, the hours of operation, the permit number, and other pertinent information. Traffic signs or markers must be provided as necessary to promote an orderly traffic pattern to and from the discharge area and to maintain efficient operating conditions. Signs must be placed on the tipping building and in the tipping area to differentiate the MSW and C&D tipping floor areas.
10. Open burning of solid waste is prohibited. Fires must be reported to the Regional Waste Management Specialist within 24 (twenty-four) hours of the occurrence with a written notification to be submitted within 15 (fifteen) calendar days of the occurrence. Fire lanes must be maintained and passable at all times. Dimensions of the fire lanes must be coordinated with the Fire Marshall having jurisdiction over the site.
11. The facility must not cause nuisance conditions.
  - a. The tipping floor and transfer trailer loading area must be maintained in a clean, sanitary condition at all times and must be cleaned at least daily in accordance with the approved Operation Plan.
  - b. Effective vector control measures must be applied at all times to control any potential vectors including flies, rodents, insects, and other vermin.
  - c. Control measures must be utilized to minimize and eliminate visible dust emissions and blowing litter.
    - i) Fugitive dust emissions are prohibited.
    - ii) Windblown materials must be collected by the end of the day and no windblown material may be allowed to leave the facility boundary.
12. MSW must only be deposited on the "tipping floor" designated for MSW or directly into a transfer container in accordance with the approved Operation Plan. Waste must not be stored on the "tipping floor" after operating hours.
13. C&D waste must only be deposited on the "tipping floor" designated for C&D waste, directly into a transfer container, or directly into a recycling container in accordance with the approved Operation Plan. C& D may not be stored on the tipping floor after operating hours.

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14. Waste may be stored on-site, in leak proof transfer trailers, with watertight covers, a maximum of 24 hours except that a minimal amount of waste may be stored for a maximum of 72 hours when the facility is closed during a weekend or holiday. Storage of the waste must not cause any nuisance, such as odor or attraction of vectors.
15. Only cardboard, clean wood debris, pallets, metals, clean brick and concrete blocks, and clean concrete are approved for recycling. Engineered or glued wood (such as particle board) and painted debris are not approved for recycling.
16. Demolition debris waste must not be sorted for recycling, unless an asbestos screening plan has been submitted to the Division of Epidemiology of the Department of Health and Human Services for approval and the approved plan forwarded to the Section for inclusion in the operations plan for the facility.
17. Except for inert debris, all recyclables must be sorted and stored in containers by the end of each operating day. Containers must be covered at the end of each operating day, and during rain events. All non-recyclables in the sorting area must be placed in transfer trailers for disposal by the end of each operating day.
18. Recycled materials placed in containers must be removed from the site once the container is full. Recyclable material may be stored in covered containers in the recycling area in accordance with the approved Operation Plan for up to one year. The approved maximum storage volume of recycled materials is approximately 500 cubic yards.
19. All water that comes in contact with solid waste, including vehicle wash-down water, is leachate and must be captured and properly treated before release to the environment.
  - a. The leachate control system, such as floor drains, leachate collection devices, sanitary sewer connections and leachate storage tanks, must be operational during facility operations.
  - b. The tipping floor must drain away from the building entrance and into the leachate collection system.
20. All sedimentation and erosion control activities must be conducted in accordance with the Sedimentation Control Act N.C.G.S. 113A-50, et seq., and rules promulgated under 15A NCAC 4.

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21. Copies of this permit, the approved plans and all records required to be maintained by the permittee must be maintained at the facility, unless otherwise approved by the Section, and made available to the Section upon request during normal business hours.
22. The permittee must maintain a record of the amount of solid waste received at the facility, including daily records of waste received and origins of the loads. The permittee must identify MSW that is "commercial solid waste" or "industrial solid waste" as defined in 15A NCAC 13B .1602 in the records. Scales must be used to weigh the amount of waste received. The permittee must maintain a record of the amounts of waste transported out of the facility for disposal, amounts of materials transported out of the facility for recovery and recycling, and amounts of waste or material with any other final disposition, to be compiled on a monthly basis. The daily records are to be summarized into a monthly report for use in the required annual reports, to include a comparison of incoming versus outgoing amounts. Documentation of end-users/processors/recyclers must be maintained for recycled and recovered materials.
23. Waste source summaries for each outgoing truckload must be maintained, as described in Section 2.6.4 of the Operations Manual (Document 4, Attachment 1, Part II), and made available to the Section upon request during normal business hours.
24. On or before August 1 annually, the Permittee must submit an annual facility report to the Solid Waste Section, on forms prescribed by the Section.
  - a. The reporting period shall be for the previous year beginning July 1 and ending June 30.
  - b. The annual facility report must list the amount of waste received in tons and be compiled:
    - i) On a monthly basis.
    - ii) By county, city or transfer station of origin.
    - iii) By specific waste type.
    - iv) By receiving disposal facility.
    - v) By diversion to alternative management facilities.
  - c. The tons of C&D waste recycled, recovered or diverted from disposal including a description of how and where the material was ultimately managed must be included in the report.
  - d. The completed report must be forwarded to the Regional Environmental Specialist for the facility by the date due on the prescribed annual facility report form.

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- e. A copy of the completed report must be forwarded to each county manager for each county from which waste was received the facility. Documentation that a copy of the report has been forwarded to the county managers must be sent to the Regional Environmental Specialist by the date due on the prescribed annual facility report form.
- 25. Processing of materials, shredding, or grinding must not take place at the facility unless approval has been granted under the special use permit and a revised operations plan has been submitted to the Solid Waste Section.
- 26. Financial assurance as required by state rules and statutes must be established with proof submitted to the Division within 30 calendar days of the issuance of this permit. The financial assurance must be continuously maintained for the duration of the facility in accordance with the applicable rules and statutes.

## PART II: MISCELLANEOUS SOLID WASTE MANAGEMENT CONDITIONS

### OPERATION DURING CONSTRUCTION

- 27. The permittee may operate the existing Construction Debris transfer station, as permitted to PCM Construction, during construction of the new facility. The facility must be operated in accordance with the approved plans listed in Attachment 1, Part II, Documents 1 through 3, and the conditions of this section Attachment 3, Part II.
- 28. Approval to operate the existing facility, as permitted to PCM Construction, expires March 3, 2010, or when construction of the new facility is completed and pre-operational approval of the new facility is granted, whichever is sooner. If construction of the new facility and pre-operational approval is not completed within 18 months, the permittee must submit a request for reissuance of the Permit to Construct and Operate, and pay a Transfer Station Permit Modification Fee. The facility design and Operation Plan shall be subject to and shall comply with the rules in effect at that time.
- 29. The facility is permitted to receive new construction waste only. Prohibited wastes include demolition waste, hazardous waste, household waste, commercial/industrial waste, liquid wastes and those wastes listed in the operations plan submitted by PCM.
- 30. This facility is permitted to receive construction debris waste generated within Wake, Johnston, Durham, Granville, Franklin, Nash, Harnett, and Chatham counties. Waste

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must be transported for disposal to Shotwell C&D Landfill located in Wendell, Permit Number 92-26; WCA Material Recovery C&D Landfill located in Raleigh, Permit Number 92-31; and/or Red Rock Disposal C&D Landfill located in Holly Springs, Permit Number 92-28. Waste must only be transported to facilities whose service area includes the generation source. Proposed changes to the service area and/or the disposal facilities must be approved by the Section.

31. The permittee must not knowingly dispose of, or accept for transfer for subsequent disposal, solid waste that is generated within the boundaries of a unit of local government that by ordinance:
  - a. Prohibits generators or collectors of solid waste from disposing of that type or form of solid waste.
  - b. Requires generators or collectors of solid waste to recycle that type or form of solid waste.
32. Waste must not be stored on the "tipping area" after operating hours. Waste can be stored on-site, in leak proof transfer trailers, with watertight covers, a maximum of 24 hours except that a minimal amount of waste may be stored for a maximum of 72 hours when the facility is closed during a weekend or holiday. Storage of the waste must not cause any nuisance, such as odor or attraction of vectors.
33. The transfer facility must be maintained in a sanitary, clean condition after operating hours, in accordance with the approved plans.
34. New construction waste must not be placed on the tipping area during rainfall events. Leachate and contaminated run-off shall be collected and properly treated or disposed.
35. Waste must not be unloaded or stored in ponded water at the site.
36. On or before August 1 annually, the Permittee must submit an annual facility report to the Solid Waste Section, on forms prescribed by the Section.
  - c. The reporting period shall be for the previous year beginning July 1 and ending June 30.

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- d. The annual facility report must list the amount of waste received in tons and be compiled:
  - i. On a monthly basis.
  - ii. By county, city or transfer station of origin.
  - iii. By specific waste type.
  - iv. By receiving disposal facility.
  - v. By diversion to alternative management facilities.
  
- e. The completed report must be forwarded to the Regional Environmental Specialist for the facility by the date due on the prescribed annual facility report form.
  
- f. A copy of the completed report must be forwarded to each county manager for each county from which waste was received the facility. Documentation that a copy of the report has been forwarded to the county managers must be sent to the Regional Environmental Specialist by the date due on the prescribed annual facility report form.

- *End of Permit Conditions* -

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Yellow probate sheet is a vital part of your recorded document.  
Please retain with original document and submit for rerecording.



**Wake County Register of Deeds**  
**Laura M. Riddick**  
**Register of Deeds**

This Customer Group \_\_\_\_\_ # of Time Stamps Needed

This Document \_\_\_\_\_ New Time Stamp  
\_\_\_\_\_ # of Pages

**BB&T****Branch Banking & Trust Co.**

October 3, 2008

434 Fayetteville St., 4th Floor (27601)  
P.O. Box 27961  
Raleigh, NC 27611  
(919) 716-9111  
Fax (919) 716-9356Richardson Smith Gardner & Associates  
Stacey Smith

Re: Letter of Credit for Shotwell Transfer Station, Inc.

Dear Stacey:

BB&T has approved and prepared the documents for a letter of credit in the amount of \$207,900.00 for Shotwell Transfer Station, Inc. with the North Carolina Department of Environmental and Natural Resources as the beneficiary. I am writing this letter to request an extension of the October 4, 2008 deadline until October 12, 2008 to allow us to properly execute the documents. Please let me know if this will be a problem.

Sincerely,

Brad Pollock  
Sr. Vice President  
919-716-9283

## BRANCH BANKING AND TRUST COMPANY

ADDRESS: 434 FAYETTEVILLE ST MALL RALEIGH, NC 27601-1701

PHONE NUMBER: 919-716-9111

CONTACT NAME: BRAD POLLOCK

<b>IRREVOCABLE STANDBY LETTER OF CREDIT</b>		LETTER OF CREDIT NO. <u>9511552211 00002</u>	
		DATE <u>10/02/2008</u>	
ADVISING BANK		APPLICANT	
		SHOTWELL TRANSFER STATION INC 3209 GRESHAM LAKE RD STE 114-115 RALEIGH, NC 27615-3757	
BENEFICIARY			AMOUNT
NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES DIVISION OF WASTE MANAGEMENT - SOLID WASTE SECTION 1646 MAIL SERVICE CENTER  RALEIGH, NC 27699-1646			\$207,900.00
			EXPIRY DATE 11/02/2009 (FOR PRESENTATION AT OUR COUNTERS)
GENTLEMEN: WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR			
AVAILABLE BY YOUR DRAFT(S) Sight			
DRAWN ON: "BRANCH BANKING & TRUST CO."			
DRAFT(S) MUST BE MARKED - "DRAWN UNDER BRANCH BANKING AND TRUST COMPANY CREDIT NO. <u>9511552211 00002</u> "			
WHICH MUST BE ACCOMPANIED BY THIS LETTER AND THE FOLLOWING DOCUMENTATION:			
THIS LETTER OF CREDIT IS ESTABLISHED WITH REFERENCE TO AN APPLICATION AND PERMIT ISSUED BY THE STATE OF NORTH CAROLINA FOR THE APPLICANT TO OPERATE A SOLID WASTE TRANSFER STATION AT 5565 THORNTON ROAD, RALEIGH, NC 27616 AS COVERED BY NC SOLID WASTE FACILITY PERMIT NO. 92-27T-2008. FUNDS ESTABLISHED BY THIS LETTER OF CREDIT ARE AVAILABLE TO YOU UPON PRESENTATION OF YOUR SIGHT DRAFT REFERENCING THIS LETTER OF CREDIT NO. 9511552211/00002, ACCOMPANIED BY A SIGNED STATEMENT THAT "THE AMOUNT DRAWN IS THE MINIMUM NECESSARY TO REIMBURSE THE DIVISION OF SOLID WASTE MANAGEMENT, STATE OF NORTH CAROLINA, FOR SITE CLOSURE, CLEAN-UP AND OTHER COSTS DIRECTLY RELATED TO SITE CLOSURE OR CLEAN UP ON BEHALF OF APPLICANT." FULL OR PARTIAL DRAFTS MAY BE DRAWN UNDER THIS LETTER OF CREDIT BY AND IN THE NAME OF THE BENEFICIARY. PARTIAL DRAFTS DRAWN UNDER THIS LETTER OF CREDIT SHALL NOT, IN THE AGGREGATE EXCEED USD207,900.00(TWO HUNDRED SEVEN THOUSAND NINE HUNDRED AND 00/100'S UNITED STATES DOLLARS) BOTH THE SIGHT DRAFT AND THE SIGNED STATEMENT MUST BEAR ON THEIR FACE "DRAWN UNDER THE IRREVOCABLE LETTER OF CREDIT NO. 9511552211/00002.			
This Letter of Credit is deemed to be automatically extended without amendment for one year from the expiration date or any future expiration date, unless 60 days prior to such expiration date, we notify you by registered or certified mail that this Letter of Credit will not be renewed for any such additional period; however, not withstanding, in no circumstance will this Letter of Credit be automatically extended beyond the final expiration date of 11/02/2011. If you receive written notice from us that we have elected not to renew this Standby Letter of Credit, you may draw the full available amount hereunder not more than 15 days prior to the current expiration date by presenting your draft together with the original Standby Letter of Credit and your statement purportedly signed by an authorized representative that you are drawing on the Letter of Credit because you were notified by us that we did not intend to extend and renew this Standby Letter of Credit and that SHOTWELL TRANSFER STATION INC has not furnished a replacement Letter of Credit satisfactory to you.			
SPECIAL INSTRUCTIONS			
THIS CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES (ISP98), ICC PUBLICATION NO. 590 AND TO THE EXTENT NOT INCONSISTENT THEREWITH, ARTICLE 5 OF THE UNIFORM COMMERCIAL CODE OF THE STATE OF NORTH CAROLINA.			
WE HEREBY ENGAGE WITH BENEFICIARY THAT DRAFTS PRESENTED IN CONFORMITY WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED ON PRESENTATION AT OUR COUNTERS AND THAT DRAFTS ACCEPTED WITHIN THE TERMS OF THIS CREDIT WILL BE DULY HONORED AT MATURITY.			
VERY TRULY YOURS			
BRANCH BANKING AND TRUST COMPANY		AUTHORIZED SIGNATURE	

ACCOUNT# / NOTE#

9511552211 00002

