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STOCKTON LLP
Attorneys at Law

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Winston-Salem NC 27101-2400
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Stephen R. Berlin
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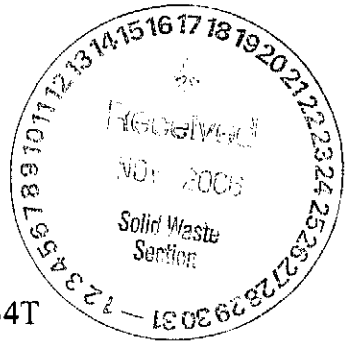
SBerlin@KilpatrickStockton.com

November 16, 2006

VIA UPS OVERNIGHT DELIVERY

Mr. Paul Crissman
Solid Waste Section
NC Department of Environment and Natural Resources
Division of Waste Management
401 Oberlin Rd., Suite 150
Raleigh, North Carolina 27605



RE: Material Recovery, LLC – Permit # 92-31
Material Reclamation, LLC – Permit # 92-24
WCA Wake Transfer Station, LLC – Permit # 92-34T
WCA of High Point, LLC – Permit # 41-16

Dear Mr. Crissman:

Our firm represents each of the above referenced limited liability companies ("LLCs") and hereby provides their responses to the August 25, 2006 request of the Division of Waste Management (the "Division") for information and documentation in order for the Division to proceed with its review and re-issuance of a permit for each LLC's solid waste management facility. This supplement of the earlier permit applications provides the Division the necessary statutorily required information to issue the permits. We have been working diligently since receipt of your letter to provide our response with the information needed to complete each permit application. Since some of the information you requested necessitated obtaining information from local governments, extended time was needed to comply with their processes and schedules.

The permits are being requested for the corporate entities listed above, which are all in good standing with the State of North Carolina. In fact, the permits for these facilities were initially issued to four limited liability companies: Material Recovery, LLC (#92-31), Material Reclamation, LLC (#92-24), MRR Wake Transfer Station (#92-34T) and MRR of High Point, LLC (#41-16). Since the initial issuances, only two things have changed: (a) ownership of these entities has changed from MRR Southern, LLC to WCA Waste Corporation, and (b) the "MRR" portion of two of the names was changed to "WCA". In addition, the Division has previously issued solid waste management permits to other LLCs such as these, and there are no statutory or regulatory prohibitions to such issuance.

Clearly there has been confusion about the status of the applicants, due in no small part to corporate restructuring within the WCA Waste Corporation organization, some of which affected the names of the permit applicants and franchise holders. Our client apologizes to the Division for its initial sloppiness in its permit and franchise applications. However, we and our client believe that it is most appropriate and consistent with the statutory and regulatory framework to re-issue the permits to the same entities that held the permits in the first place.

It is our client's understanding that the Division's concern about re-issuing the permits to these LLCs is the financial ability of each entity to appropriately close and monitor these facilities. To that end, each landfill and the reclamation facility are providing financial assurance in the form of a surety bond. As you know, this fully complies with the statutory requirements and is also consistent with the proposed Construction and Demolition Debris Landfill rules.[1] Further, the Division is very familiar with these facilities, has provided guidance regarding their permitting process, has inspected them on numerous occasions, and is well aware of their compliance and how they are operated. This letter will outline the requested information for each facility's permit.

Material Recovery, LLC – Permit # 92-31

Material Recovery, LLC is the correct name of the permitee for the construction and demolition landfill facility located at 2600 Brownfield Road, Raleigh, North Carolina. Enclosed are records from the North Carolina Secretary of State that confirm the "current-active" corporate status of Material Recovery, LLC (Exhibit 1). Also enclosed are copies of recorded deeds or other instruments of conveyance which include a description of the land on which the facility is located (Exhibit 2).

A correction of the February 21, 2005 franchise issued for this facility was obtained from the Wake County Board of Commissioners on November 6, 2006, and documentation regarding this correction is enclosed (Exhibit 3). The current franchise agreement reflects

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[1] "The rules may permit demonstration of financial responsibility through the use of a letter of credit, insurance, surety, trust agreement, financial test, or guarantee by corporate parents or third parties who can pass the financial test." N.C.G.S. § 130A-294 (b).

"An owner or operator may establish proof of financial responsibility with the Department in lieu of the requirements of subsection (c). This proof may include surety bonds, certificates of deposit, letter of credit, corporate guarantee, or other documents showing that the owner or operator has sufficient financial resources to cover, at a minimum, the costs of complying with landfill closure requirements." N.C.G.S. § 130A-309.27 (d).

"Financial assurance may be demonstrated through surety bonds, insurance, letters of credit, a funded trust, or local government financial test." *Proposed Rules for Construction and Demolition Solid Waste Landfill Facilities*, 15A N.C.A.C. 13B .0546 as published in the March 1, 2006 edition of the *North Carolina Register*, page 1486.

the changes that occurred in the corporate structure of the permitee during the lengthy review process by the Division.[2]

In accordance with N.C.G.S. § 130A-294(b), Material Recovery, LLC hereby provides the Division with a copy of documents including a surety bond which demonstrate that it is financially qualified to carry out the activity for which its permit is required (Exhibit 4). While not directly applicable to this application, financial and corporate organizational information regarding WCA Waste Corporation (the parent company of Material Recovery, LLC) including the voluminous 10-K and 10-Q reports may be accessed and obtained without charge from the U.S. Securities and Exchange Commission internet site at http://www.sec.gov/. Paper or electronic copies of these documents which comprise hundreds of pages will be provided upon request.

In accordance with N.C.G.S. § 130A-294(b2)(1) and § 130A-309.06(b), Material Recovery, LLC hereby provides the Division with a copy of documents which demonstrate the history of compliance with the requirements applicable to the solid waste management activities in which it has engaged and the history of compliance with federal and state laws, regulations and rules for protection of the environment (Exhibit 5).

Material Reclamation, LLC – Permit # 92-24

Material Reclamation, LLC is the correct name of the permitee for the mixed construction and demolition waste processing (reclamation) facility located at 421 Raleigh View Road, Raleigh, North Carolina. Due processes and schedules associated with the obtaining the surety bond and revising the Permit Modification Operations Plan, we are unable to provide the requested information with this letter. The requested information for this facility will be provided in a separate letter upon receipt of the above mentioned bond and plan.

WCA Wake Transfer Station, LLC – Permit # 92-34T

WCA Wake Transfer Station, LLC is the correct name of the permitee for the mixed construction and demolition waste transfer facility located at 9220 Durant Road, Raleigh, North Carolina. Enclosed are records from the North Carolina Secretary of State that

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[2] When the February 21, 2005 franchise was initially approved by the Wake County Board of Commissioners, several clerical and/or ministerial errors caused the name of the franchise to be stated as "*Material Recovery, LLC through its new owners WCA Waste Corporation, L.P.*" instead of the correct name, Material Recovery, LLC. At the time of the initial approval, Material Recovery, LLC had a "current-active" corporate status in North Carolina. During the Division's protracted review process which is now approaching at least 19 months, corporate restructurings occurred some of which affected the names of the permit applicants and franchise holders. The franchise has now been corrected.

confirm the "current-active" corporate status of WCA Wake Transfer Station, LLC (Exhibit 6). Also enclosed are copies of recorded deeds or other instruments of conveyance which include a description of the land on which the facility is located (Exhibit 7).

A Site Application Document for this facility was initially submitted to Mr. Jim Barber of the Division on or about February 23, 2005. In its above referenced letter of August 25, 2006, the Division stated it was unable to locate this document. On September 28, 2006, this office transmitted via e-mail a copy of the document to Mr. Ed Mussler of the Division (Exhibit 8). To date, we have received no comment regarding this submittal.

WCA of High Point, LLC – Permit # 41-16

WCA of High Point, LLC is the correct name of the permitee for the construction and demolition landfill facility located at 5830 Riverdale Drive in High Point, North Carolina. Due to local government processes and schedules associated with the franchise issues for this facility, we are unable to provide the requested information with this letter. The requested information for this facility will be provided in a separate letter upon receipt of the franchise information from the local government entity.

Based upon the information provided herein, we respectfully request that the Division proceed with its review and issuance of permits for the Material Recovery, LLC, Material Reclamation, LLC, and WCA Wake Transfer Station, LLC solid waste management facilities.

Please contact me if you have any questions or issues to discuss regarding this matter.

Sincerely,

Stephen R. Berlin

Enclosures

cc: Ms. Nancy Scott
Mr. J. Edward Menger

Elaine F. Marshall
Secretary

North Carolina
DEPARTMENT OF THE SECRETARY OF STATE
PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

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Date: 11/16/2006

Click here to:
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Corporation Names

Name	Name Type
NC Material Recovery, LLC	Legal

Limited Liability Company Information

SOSID:	0564770
Status:	Current-Active
Date Formed:	9/21/2000
Citizenship:	Domestic
State of Inc.:	NC
Duration:	perpetual

Registered Agent

Agent Name:	Capitol Corporate Services, Inc.
Registered Office Address:	120 Penmarc Drive, Suite 118 Raleigh NC 27603
Registered Mailing Address:	120 Penmarc Drive, Suite 118 Raleigh NC 27603
Principal Office Address:	One Riverway, Suite 1400 Houston TX 77056
Principal Mailing Address:	One Riverway, Suite 1400 Houston TX 77056

For questions or comments about the North Carolina Secretary of State's web site, please send e-mail to ***Webmaster.***

EXHIBIT 1
ALL-STATE® INTERNATIONAL

LIMITED LIABILITY COMPANY ANNUAL REPORT

SOSID: 0564770
Date Filed: 4/17/2006 11:44 AM
Elaine F. Marshall
North Carolina Secretary of State

NAME OF LIMITED LIABILITY COMPANY: *Material Recovery, LLC*

STATE OF INCORPORATION: *NC*

SECRETARY OF STATE L.L.C. ID NUMBER: *0564770* FEDERAL EMPLOYER ID NUMBER: *56-2216193*

NATURE OF BUSINESS: *Waste Recovery*

REGISTERED AGENT: *Capitol Corporate Services, Inc.*

REGISTERED OFFICE MAILING ADDRESS: *120 Penmarc Drive, Suite 118*
Raleigh, NC 27603

REGISTERED OFFICE STREET ADDRESS: *120 Penmarc Drive, Suite 118*
Raleigh, NC 27603 County: Wake

PRINCIPAL OFFICE TELEPHONE NUMBER: *713-292-2400*

PRINCIPAL OFFICE MAILING ADDRESS: *One Riverway, Suite 1400*
Houston, TX 77056

PRINCIPAL OFFICE STREET ADDRESS: *One Riverway, Suite 1400*
Houston, TX 77056

MANAGERS/MEMBERS/ORGANIZERS:

Wca Waste Systems, Inc.
Title: Member
One Riverway, Suite 1400
Houston, TX 77056

Tom J. Fatjo Jr.
Title: Manager
One Riverway, Suite 1400
Houston, TX 77056

Jerome M. Kruszka
Title: Manager
One Riverway, Suite 1400
Houston, TX 77056

Tom J. Fatjo III
Title: Manager
One Riverway, Suite 1400
Houston, TX 77056

CERTIFICATION OF ANNUAL REPORT MUST BE COMPLETED BY ALL LIMITED LIABILITY COMPANIES

WCA Waste Systems, Inc. — 4/17/2006

FORM MUST BE SIGNED BY A MANAGER/MEMBER — DATE

WCA Waste Systems, Inc. — Manager/Member

TYPE OR PRINT NAME — TYPE OR PRINT TITLE

ANNUAL REPORT FEE: E-Paid Secretary of State • Corporations Division • Post Office Box 29525 • Raleigh, NC 27626-0525

imaps
WAKE COUNTY AND THE CITY OF RALEIGH

RALEIGH & WAKE COUNTY

MATERIAL RECOVERY, LLC

Parcel Number:	1741639103-000
REID:	0004648
OWNER1:	MATERIAL RECOVERY LLC
ADDR1:	421 RALEIGH VIEW RD
ADDR2:	RALEIGH NC 27610-4623
ADDR3:	
DEED BOOK:	08806
DEED PAGE:	0845
DEED DATE:	2/12/2001
DEED ACRES:	210.19
BLDG VAL:	175351
LAND VAL:	1732520
BILLING CLASS:	CORPORATE LISTING
DESCRIPTION:	MATERIAL RCVY LLC & TALTON 03-1508 TR1
MAP NAME:	174104
PIN NUM:	1741639103
PIN EXT:	000
CITY:	
PLAN JURIS:	WC
TOWNSHIP:	ST. MARYS
YEAR BUILT:	1917
SALEPRICE:	0
SALEDATE:	
TYPE USE:	Single Family
DESIGN STYLE:	Conventional
UNITS:	0
LAND CLASS:	AC>10-HS
ZONING:	R-30
OLD PARCEL NUMBER:	686-00000-0008
ADDRESS	
ST NUM:	2820
ST MISC:	
DIR PREFIX:	
ST NAME:	BROWN FIELD
ST TYPE:	RD
DIR SUFFIX:	

Streets
Parcels
Security Screen
2005 Color Orthos: County-wide
2005 Color Ortho - tile
Wake County Boundary
Adjacent Counties

EXHIBIT 2
ALL STATE INTERNATIONAL

Map created on 11/16/2006 2:41:06 PM.
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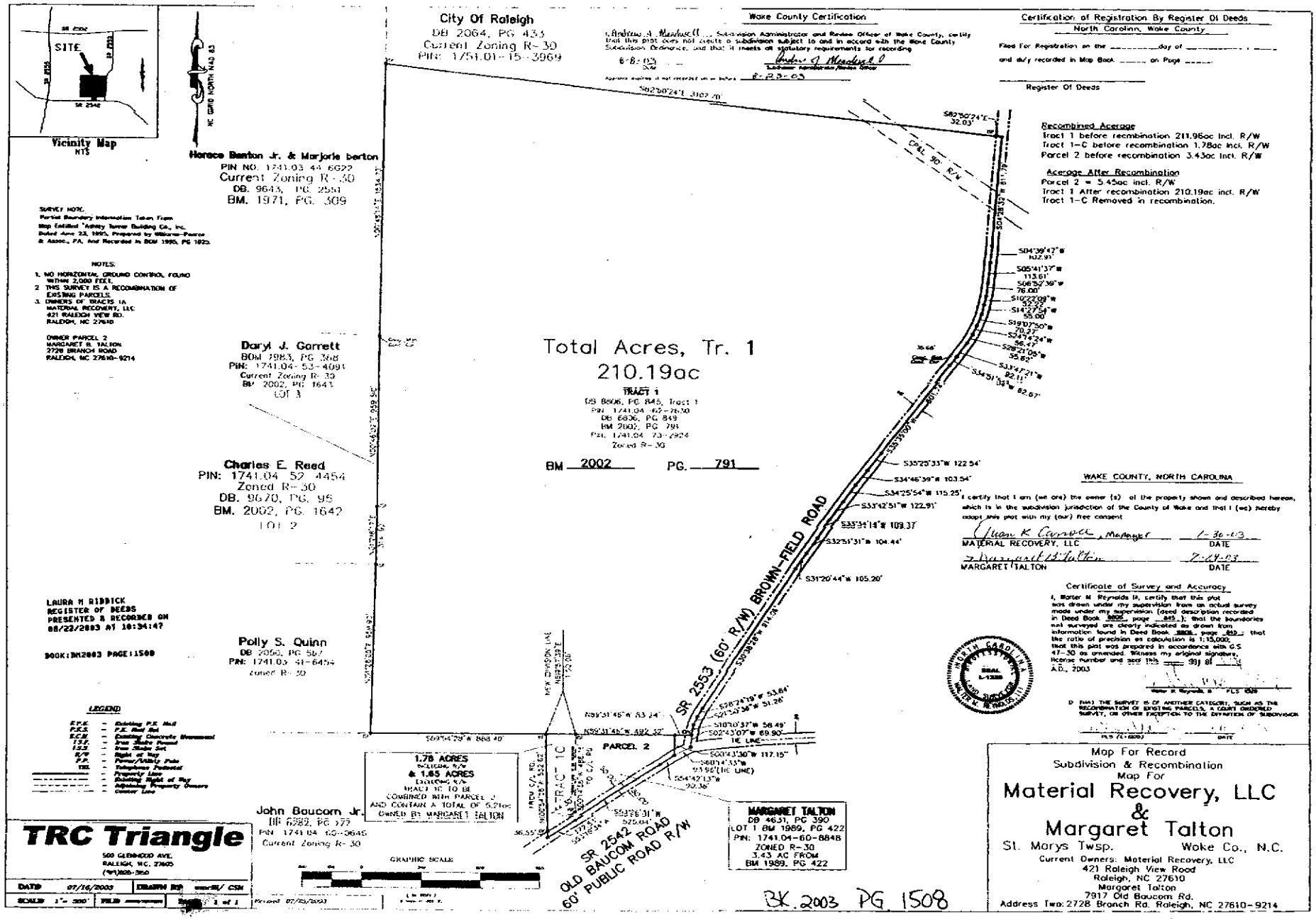


BK008806PG000845

Wake County,NC 444
Laura M Riddick, Register Of Deeds
Presented & Recorded 02/12/2001 13:55:10
State Of NC Real Estate Excise Tax : $3923
Book : 008806 Page : 00845 - 00848

Stamps $3,923.00 Excise Tax

Recording Time, Book and Page

Tax Lot No.

Parcel Identifier No. ID# 0211684 and ID# 0004648

Verified by

County on the day of , 19

by

Mail after recording to L. James Blackwood, II, 108 Commerce Pl., Greensboro, NC 27401

This instrument was prepared by L. James Blackwood, II, 108 Commerce Pl., Greensboro, NC 27401

Brief description for the Index 2 Tracts 163.49 more or less Brunswick Road

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 12 day of February, 2001 , by and between

GRANTOR	GRANTEE
William A. Turner and wife, Debra C. Turner	Material Recovery, LLC 421 Raleighview Road Raleigh, NC 27610

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of , Township, Wake County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference as if fully set forth.

The property described in Exhibit A consisting of 2 Tracts was heretofore conveyed to Grantor by Deed recorded in Book 6555, Page 646, Wake County Public Registry and Grantor by this Deed intends to convey to Grantee all of the property therein described

BK008806PG00846

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

.....

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

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

This conveyance is made subject to rights-of-way, restrictions and easements of record, if any, and ad valorem taxes for the year 2001.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....
(Corporate Name)

By: .....

.....President

ATTEST:

.....

.....Secretary (Corporate Seal)

USE BLACK INK ONLY

William A. Turner .....(SEAL)
William A. Turner

Debra C. Turner .....(SEAL)
Debra C. Turner

.....(SEAL)

.....(SEAL)

SEAL-STAMP

NORTH CAROLINA, Wake County.

I, a Notary Public of the County and State aforesaid, certify that William A. Turner and wife, Debra C. Turner Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 12 day of February, 2001.

My commission expires: 2/5/2003 Philip A. Schmitt Notary Public

Use Black Ink

SEAL-STAMP

NORTH CAROLINA, ...County.

I, a Notary Public of the County and State aforesaid, certify that .....; personally came before me this day and acknowledged that ..... he is ..... Secretary of ..... a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its ..... President, sealed with its corporate seal and attested by ..... as its ..... Secretary. Witness my hand and official stamp or seal, this .....day of ....., 19.....

Use Black Ink

My commission expires: ..... Notary Public

The foregoing Certificate(s) of .....

.....

.....

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

.....REGISTER OF DEEDS FOR.....COUNTY

By .....Deputy/Assistant - Register of Deeds

N.C. Bar Assoc Form No. 3 © 1976, Revised 1977.

EXHIBIT A
to
DEED FROM WILLIAM A. TURNER and wife, DEBRA C. TURNER
to
MATERIAL RECOVERY, LLC

TRACT 1

BEGINNING at a point 70.65 feet North of the intersection of NCSR 2542 and NCSR 2553, having a line from NCSR 2542 to the point of Beginning of South 03° 54' 58" 70.65 feet, thence from said point North 89° 34' 18" West 578.19 feet to an existing iron pipe, thence from the existing iron pipe South 00° 15' 03" West 449.24 feet to an existing iron pipe, thence from the existing iron pipe South 00° 15' 03" West 36.92 feet to the center of NCSR 2542, thence from the center of NCSR 2542 South 53° 15' 50" West 172.61 feet along NCSR 2542. thence from this center point of NCSR 2542 North 00° 59' 07" West 36.56 feet to an existing iron pipe, thence from the existing iron pipe North 00° 59' 07" West 552.64 feet to an existing iron pipe, thence from the existing iron pipe South 89° 54' 28" West 888.40 feet to an existing iron pipe, thence from the existing iron pipe North 01° 28' 05" East 959.90 feet to an existing iron pipe, thence from the existing iron pipe North 01° 28' 17" East 314.90 feet to an existing iron pipe, thence from the existing iron pipe North 00° 46' 02" East 959.50 feet to an existing iron pipe, thence from the existing iron pipe South 87° 55' 55" East 2879.54 feet to a new iron pipe, thence from the new iron pipe South 87° 55' 55" East 35.68 feet to the center of NCSR 2553, thence from the center of NCSR 2553, traversing along the same road at the following coordinates: North 34° 51' 54" East 62.67 feet, North 35° 35' 00" East 601.74 feet, North 35° 25' 33" East 122.54, North 34° 46' 39" East 103.54 feet, North 34° 25' 54" 115.25 feet, North 33° 42' 51" East 122.91 feet, North 33° 34' 14" East 109.37 feet, North 32° 51' 31" East 104.44 feet, North 31° 20' 44" East 105.20 feet, North 30° 38' 28" East 914.06 feet, North 28° 24' 19" East 53.84 feet, North 21° 50' 36" East 51.26 feet and North 10° 10' 37" East 58.49 feet, which includes the 60 feet right-of-way reserved by DOT on NCSR 2553, to the point and place of BEGINNING, containing 113.55 gross acres, according to the plat of same prepared by William-Pearce & Associates, P.A., Registered Land Surveyors, dated March 21, 1995 and recorded in Book of Maps 1995, Page 456, of the Wake County Registry (and re-recorded in Book of Maps 1995, Page 1025, Wake County Registry).

TRACT 2

BEGINNING at the same point as did Tract 1 above and traversing along NCSR 2553 with those same coordinates as set forth above in Tract 1, those being as follows: North 10° 10' 37" East 58.49 feet, North 21° 50' 36" East 51.26 feet, North 28° 24' 19" East 53.84 feet, North 30° 38' 28" East 914.06 feet, North 31° 20' 44" East 105.20 feet, North 32° 51' 31" East 104.44 feet, North 33° 34' 14" East 109.37 feet, North 33° 42' 51" 122.91 feet; North 34° 25' 54" East 115.25 feet, North 34° 46' 39" East 103.54 feet, North 35° 25' 33" East 122.54 feet, North 35° 35' 00" East 601.74 feet, North 34° 51' 54" East 62.67 feet, North 33° 47' 21" East 92.11 feet, North 28° 21' 05" East 55.62 feet, North 24° 14' 24" East 56.47 feet, North 19° 07' 50" East 70.27 feet, North 14° 27' 54" East 55.00 feet, North 10° 22' 09" East 52.22 feet, North 06° 52' 39" East 76.00 feet, North 05° 41' 37" East 113.61 feet and North 04° 39' 47" 102.92 feet to a new PK nail in the center of NCSR 2553, thence from said new PK nail North 89° 23' 26" East 30.13 feet to a new iron pipe, thence from a new iron pipe 89° 23' 26" East 229.08 feet to an existing iron pipe, thence from said existing iron pipe South 52° 46' 34" East 600.84 feet to an existing iron pipe, thence from said existing iron pipe South 00° 02' 37" 311.54 feet to an existing iron pipe, thence from said existing iron pipe South 00° 12' 23" West 580.92 feet to an existing iron pipe, thence from said existing iron pipe South 89° 25' 55" West 731.89 feet to an existing iron pipe, thence from said existing iron pipe South 28° 23' 31" West 1687.75 feet to an existing iron pipe, thence from said existing iron pipe South 28° 23' 31" West 33.90 feet to the center of NCSR 2542, thence from this center point North 89° 34' 18" West 703.21 feet, which includes the 60 feet right-of-way reserved by DOT on NCSR 2542, to the point and place of BEGINNING, containing 49.88 gross acres, according to the plat of same prepared by William-Pearce and Associates, P.A., Registered Land Surveyor, dated March 21, 1995 and recorded in Book of Maps 1995, Page 456, of the Wake County Registry (and re-recorded in Book of Maps 1995, Page 1025, Wake County Registry, to correct right-of-way acreage in the above Tract 2).

WAT
DCT

BK008806PG00848

Laura M Riddick
Register of Deeds
Wake County, NC

Book : 008806 Page : 00845 - 00848

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

North Carolina - Wake County

The foregoing certificate___ of Philip A. Schmitt

_____

_____

_____

_____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

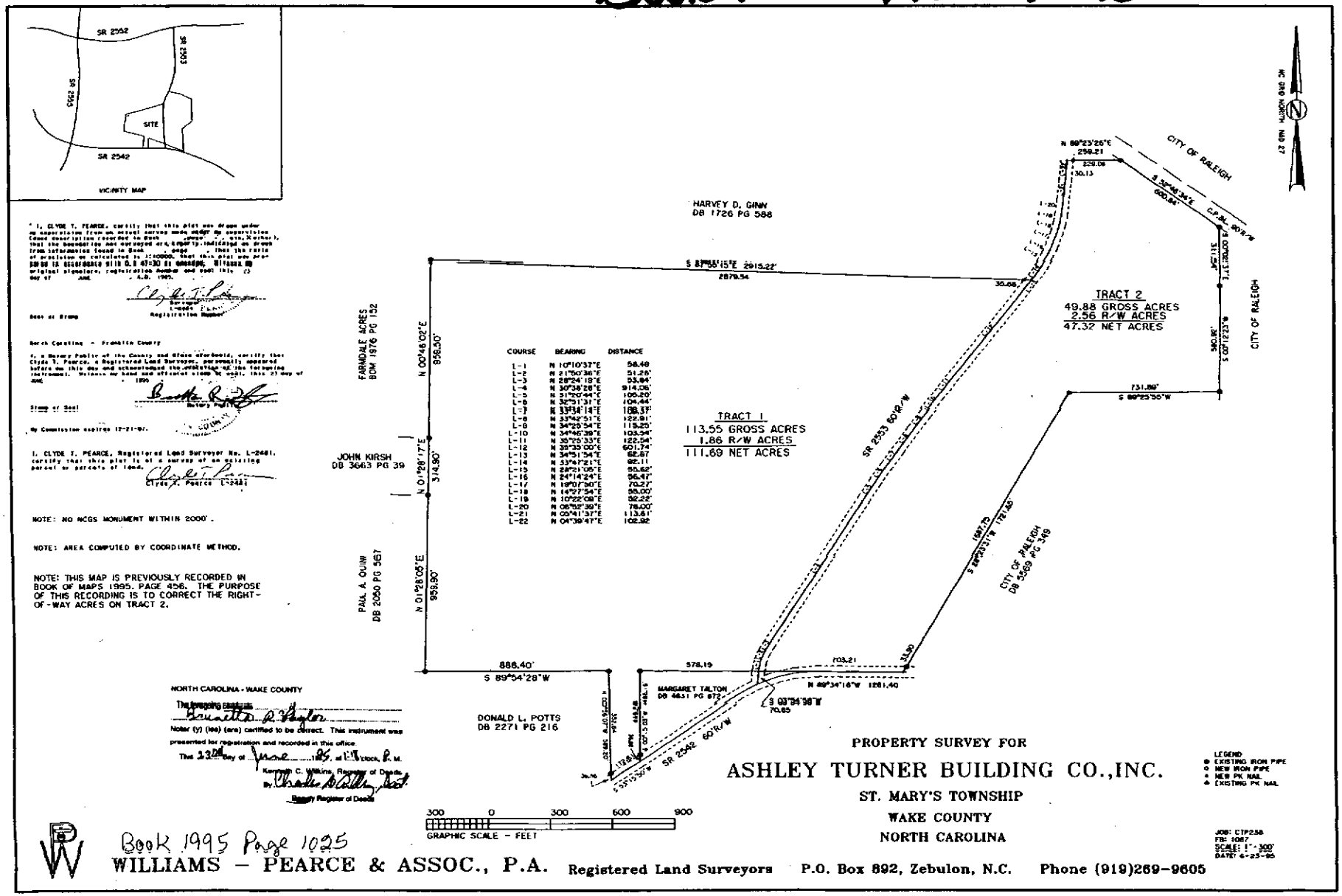
Laura M. Riddick, Register of Deeds

By: P. Anne Redd
Assistant/~~Deputy~~ Register of Deeds

This Customer Group
2 # of Time Stamps Needed

This Document
_____ New Time Stamp
4 # of Pages

Book 1995 Page 1025



Book 1995 Page 1025

WILLIAMS – PEARCE & ASSOC., P.A. Registered Land Surveyors P.O. Box 892, Zebulon, N.C. Phone (919)269-9605

BK008815PG02180

Wake County,NC 497
Laura M Riddick, Register Of Deeds

Presented & Recorded 02/22/2001 15:20:58
State Of NC Real Estate Excise Tax : $1207
Book : 008815 Page : 02180 - 02182

Taxable Consideration: $603,330.00 Revenue Stamps: $1,207.00 Tax Parcel I.D. #: 0211684

This Deed drawn by L. James Blackwood, II, COGGIN, BLACKWOOD & BRANNAN, Attorneys at Law, 108 Commerce Place, Greensboro, North Carolina 27401.

Return $1,207.00 Rev.

Permanent Address of Grantee: City of Raleigh, Administrative Services Department, P.O. Box 590, Raleigh, N.C. 27602

NORTH CAROLINA

DEED

WAKE COUNTY

THIS DEED, made this 22 day of February, 2001, by and between MATERIAL RECOVERY, LLC, a North Carolina Limited Liability Company, Grantor, to CITY OF RALEIGH, a North Carolina Municipal Corporation, Grantee.

WITNESSETH:

That the Grantor, for a valuable consideration to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has given, granted, bargained, sold and conveyed, and by these presents does give, grant, bargain, sell, convey and confirm unto the Grantee, his heirs and/or successors and assigns, premises in the City of Raleigh, St. Mary's Township, Wake County, North Carolina, more particularly described as follows:

BEGINNING at the same point as did Tract 1 above and traversing along NCSR 2553 with those same coordinates as set forth above in Tract 1, those being as follows: North 10° 10' 37" East 58.49 feet, North 21° 50' 36" East 51.26 feet, North 28° 24' 19" East 53.84 feet, North 30° 38' 28" East 914.06 feet, North 31° 20' 44" East 105.20 feet, North 32° 51' 31" East 104.44 feet, North 33° 34' 14" East 109.37 feet, North 33° 42' 51" 122.91 feet; North 34° 25' 54" East 115.25 feet, North 34° 46' 39" East 103.54 feet, North 35° 25' 33" East 122.54 feet, North 35° 35' 00" East 601.74 feet, North 34° 51' 54" East 62.67 feet, North 33° 47' 21" East 92.11 feet, North 28° 21' 05" East 55.62 feet, North 24° 14' 24" East 56.47 feet, North 19° 07' 50" East 70.27 feet, North 14° 27' 54" East 55.00 feet, North 10° 22' 09" East 52.22 feet, North 06° 52' 39" East 76.00 feet, North 05° 41' 37" East 113.61 feet and North 04° 39' 47" 102.92 feet to a new PK nail in the center of NCSR 2553, thence from said new PK nail North 89° 23' 26" East 30.13 feet to a new iron pipe, thence from a new iron pipe 89° 23' 26" East 229.08 feet to an existing iron pipe, thence from said existing iron pipe South 52° 46' 34" East 600.84 feet to an existing iron pipe, thence from said existing iron pipe South 00° 02' 37" 311.54 feet to an existing iron pipe, thence from said existing iron pipe South 00° 12' 23" West 580.92 feet to an existing iron pipe, thence from said existing iron pipe South 89° 25' 55" West 731.89 feet to an existing iron pipe, thence from said existing iron pipe South 28° 23' 31" West 1687.75 feet to an existing iron pipe, thence from said existing iron pipe South 28° 23' 31" West 33.90 feet to the center of NCSR 2542, thence from this center point North 89° 34' 18" West 703.21 feet, which includes the 60 feet right-of-way reserved by DOT on NCSR 2542, to the point and place of BEGINNING, containing 49.88 gross acres, according to the plat of same prepared by William-Pearce and Associates, P.A., Registered Land Surveyor, dated March 21, 1995 and recorded in Book of Maps 1995, Page 456, of the Wake County Registry (and re-recorded in Book of Maps 1995, Page 1025, Wake County Registry, to correct right-of-way acreage in the above Tract 2).

And further being all that property heretofore conveyed to Grantor described as Tract 2 in that certain Deed from William A. Turner and wife, Debra C. Turner to Grantor recorded in Book 8806, Page 845, Wake County Public Registry.

This conveyance is made subject to restrictions, rights-of-way and easements of record, if any, and to 2001 Wake County ad valorem taxes.

TO HAVE AND TO HOLD the above described premises, with all the appurtenances thereunto belonging or in any wise appertaining, unto the Grantee, his heirs. and/or successors and assigns forever.

And the Grantor covenants that it is seized of said premises in fee, and has the right to convey the same in fee simple; that said premises are free from encumbrances (with the exceptions above stated, if any), and that it will warrant and defend the said title to the same against the lawful claims of all person whomsoever.

When reference is made to the Grantor or Grantee, the singular shall include the plural, and the masculine shall include the feminine or the neuter.

IN WITNESS WHEREOF, the Grantor, a Limited Liability Company, has caused this instrument to be executed in its appropriate company name by its duly authorized Managers and has adopted as its seal the word (SEAL) appearing at or beside its name and his signature, this sealed instrument being executed and delivered on the date and year first above written.

MATERIAL RECOVERY, LLC

By: Juan K Carroll (SEAL)
JUAN K. CARROLL, Manager

By: F Norbert Hector Jr, Manager (SEAL)
F. NORBERT HECTOR, JR., Manager

* * * * *

NORTH CAROLINA

WAKE COUNTY

I the undersigned Notary Public, do hereby certify that JUAN K. CARROLL and F. NORBERT HECTOR, JR., who are all of the Managers, personally came before me this day and acknowledged that they are the sole Managers of MATERIAL RECOVERY, LLC, a North Carolina Limited Liability Company, and that by authority duly given and act of the limited liability company, the foregoing Deed was signed in its name by them as Managers.

WITNESS my hand and notarial seal this 22 day of FEB., 2001.

Phillip A. Schmitt
Notary Public

My Commission Expires: [redacted] 2/5/2003

PHILLIP A. SCHMITT NOTARY PUBLIC WAKE CO., N.C.

BK008815PG02182

Laura M Riddick
Register of Deeds
Wake County, NC

Book : 008815 Page : 02180 - 02182

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

North Carolina - Wake County

The foregoing certificate___ of Philip A. Schmitt

_____

_____

_____

_____

_____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: _____
Assistant/Deputy Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
3 # of Pages

November 6, 2006 **ITEM # 3**

Item Title: Amendment of Minutes of February 7, 2005, and February 21, 2005

Specific Action Requested:
That the Board of Commissioners corrects the minutes of February 7, 2005, and February 21, 2005, by adoption of the attached motion.

Item Summary:
In February of 2005, the County was informed that Material Recovery, LLC, the holder of a C&D landfill franchise issued by the County had been acquired by another company, WCA of Wake County, L.P. The company requested that our records be updated to reflect the new ownership of Material Recovery, LLC. In order to accomplish that, an ordinance was adopted (first reading February 7, 2005, second reading February 21, 2005) which mistakenly stated that the C&D franchise was "reissued to Materials Recovery, LLC" through its "new owners WCA Waste Corporation, L.P." [note that an "s" was added to the word Material, and WCA of Wake County was changed to WCA Waste Corporation, L.P.] The confusion came about because all of these similarly named entities are closely related.

As a matter of law, the owner of the franchise has not changed. The legal entity Material Recovery, LLC, to whom the franchise was originally issued, is still the owner of the franchise. The mistakes in the Ordinance reissuing the franchise to Material Recovery, LLC have caused confusion for the company in obtaining State permits to operate and the Board minutes need to be amended to correct the errors in the February 7 and 21, 2005 actions.

Attachment:
1. Motion

MOTION CORRECTING MINUTES OF FEBRUARY 7, 2005, AND FEBRUARY 21, 2005

The Ordinance entitled "Ordinance Granting Franchise to WCA Waste Corporation, L.P for Operation of Construction and Demolition Debris Landfill" adopted February 7, 2005, and the Ordinance entitled "Ordinance Reissuing Franchise to Materials Recovery, LLC for Operation of Construction and Demolition Debris Landfill" adopted February 21, 2005, both containing typographical errors and inconsistencies are hereby corrected and replaced by the following language. The Clerk is directed to make a marginal entry into the minutes of February 7, 2005, and February 21, 2005, referring to this motion:

ORDINANCE REISSUING FRANCHISE TO MATERIAL RECOVERY, LLC FOR OPERATION OF CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL

WHEREAS, Material Recovery, LLC is the current holder of a franchise to operate a construction debris (C&D) landfill in the County; and,

WHEREAS, WCA Waste Corporation has acquired the ownership interest of Material Recovery, LLC; and,

WHEREAS, Material Recovery, LLC now owned by WCA Waste Corporation, has adopted the previously filed application for issuance of a franchise to operate a C&D landfill, and has agreed to comply with the terms and conditions of the Material Recovery, LLC franchise as amended; and,

WHEREAS, the required special use permit from the Wake County Planning Board for operation of a C&D landfill on the site identified in the application has been obtained; and

WHEREAS, the C&D landfill will continue to be owned and operated by Material Recovery, LLC under its new corporate parent;

NOW THEREFORE BE IT ORDAINED THAT,

Section 1. The franchise to operate a construction and demolition debris landfill previously issued to Material Recovery, LLC is hereby reissued to Material Recovery, LLC. The franchise operation shall be conducted in accordance with the representations made on the application submitted by Material Recovery, LLC and all amendments to that franchise. Copies of all material submitted and adopted by Material Recovery, LLC are maintained in the permanent files of the Clerk of the Board. The reissued franchise shall expire coterminous with the expiration of the original franchise to Material Recovery, LLC.

Section 2. Material Recovery, LLC shall provide documentation reasonably required by the County to ascertain compliance with the terms of the franchise as amended.

Section 3. This ordinance is effective as of its second reading by this Board on February 21, 2005.

MOTION CORRECTING MINUTES OF FEBRUARY 7, 2005, AND FEBRUARY 21, 2005

The Ordinance entitled "Ordinance Granting Franchise to WCA Waste Corporation, L.P for Operation of Construction and Demolition Debris Landfill" adopted February 7, 2005, and the Ordinance entitled "Ordinance Reissuing Franchise to Materials Recovery, LLC for Operation of Construction and Demolition Debris Landfill" adopted February 21, 2005, both containing typographical errors and inconsistencies are hereby corrected and replaced by the following language. The Clerk is directed to make a marginal entry into the minutes of February 7, 2005, and February 21, 2005, referring to this motion:

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WHEREAS, the required special use permit from the Wake County Planning Board for operation of a C&D landfill on the site identified in the application has been obtained; and

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Section 2. Material Recovery, LLC shall provide documentation reasonably required by the County to ascertain compliance with the terms of the franchise as amended.

Section 3. This ordinance is effective as of its second reading by this Board on February 21, 2005.

Performance Bond

Date Bond Executed:	October 2, 2006
Effective Date:	October 2, 2006
Principal:	Material Recovery, LLC 2600 Brownfield Rd. Raleigh, NC 27610
Type of Organization:	Corporation
State of Incorporation:	North Carolina
Surety(ies):	Century Surety Company 6140 Parkland Boulevard, Suite 300 Cleveland, Ohio 44124
Permit Number:	92-31
Name and Location:	Material Recovery, LLC 2600 Brownfield Rd. Raleigh, NC 27610

Closure Amount:	$273,600.00
Post-Closure Amount:	$150,000.00
Total Penal Sum of Bond:	$423,600.00

Surety's Bond Number: 450143

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Division of Solid Waste Management (hereinafter called Division), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum ``jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under the Solid Waste Management Rule .0201 as amended, to have a permit in order to own or operate each solid waste management facility identified above, and

Whereas said Principal is required to provide financial assurance for closure, or closure, post-closure care, or corrective action as a condition of the permit, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, Therefore, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of each facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended,

EXHIBIT 4

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pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

And, if the Principal shall faithfully perform post-closure care of each facility for which this bond guarantees post-closure care, in accordance with the post-closure plan and other requirements of the permit, as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

And, if the Principal shall faithfully perform corrective action of each facility for which this bond guarantees corrective action, in accordance with the corrective action program and other requirements of the permit, as such program and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

Or, if the Principal shall provide alternate financial assurance and obtain the Division's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the Division from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Division that the Principal has been found in violation of the closure requirements for a facility for which this bond guarantees performance of closure, the Surety(ies) shall either perform closure in accordance with the closure plan and other permit requirements or place the closure amount guaranteed for the facility into the standby trust fund as directed by the Division.

Upon notification by the Division that the Principal has been found in violation of the post-closure requirements for a facility for which this bond guarantees performance of post-closure care, the Surety(ies) shall either perform post-closure care in accordance with the post-closure plan and other permit requirements or place the post-closure amount guaranteed for the facility into the standby trust fund as directed by the Division.

Upon notification by the Division that the Principal has been found in violation of the correction action requirements for a facility for which this bond guarantees performance of corrective action, the Surety(ies) shall either perform corrective action in accordance with the corrective action program and other permit requirements or place the corrective action amount guaranteed for the facility into the standby trust fund as directed by the Division.

Upon notification by the Division that the Principal has failed to provide alternate financial assurance and obtain written approval of such assurance from the Division during the 90 days following receipt by both the Principal and the Division of a notice of cancellation of the bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the Division.

The Surety(ies) hereby waive(s) notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Secretary, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the Division, as evidenced by the return receipts.

The principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Secretary.

In Witness Whereof, The Principal and Surety(ies) have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in Paragraph (e)(2)(C) of this Rule as was constituted on the date this bond was executed.

Principal: **Material Recovery, LLC**

By: _____

(Corporate Seal)

Surety: **Century Surety Company**

By: _____
Nicole Skedel, Attorney-In-Fact

(Corporate Seal)

State of incorporation: Ohio

Liability limit: $423,600.00

Bond premium: $10,590.00

Countersigned by a licensed Resident Excess and Surplus agent.

By: _____
James V. Loos

The insurance company with which this coverage has been placed is not licensed by the State of North Carolina and is not subject to its supervision. In the event of the insolvency of the insurance company, losses paid under this policy will not be paid by any State insurance guaranty or insolvency fund.

CENTURY SURETY COMPANY
COLUMBUS, OHIO
POWER OF ATTORNEY

PRINCIPAL Material Recovery, LLC EFFECTIVE DATE October 2, 2006

CONTRACT AMOUNT _____ AMOUNT OF BOND $ 423,600.00

POWER NO. 450143

KNOW ALL MEN BY THESE PRESENTS: That the Century Surety Company, a corporation in the State of Ohio does hereby nominate, constitute and appoint:

*****Nicole Skedel*****

its true and lawful Attorney(s)-In-Fact to make, execute, attest, seal and deliver for and on its behalf, as Surety, and as its act and deed, where required, any and all bonds, undertakings, recognizances and written obligations in the nature thereof, PROVIDED, however, that the obligation of the Company under this Power of Attorney shall not exceed

Four Hundred Twenty Three Thousand Six Hundred and No/100 Dollars.

This Power of Attorney is granted and is signed by facsimile pursuant to the following Resolution adopted by its Board of Directors on the 23rd day of February, 1994:

"RESOLVED, That any two officers of the Company have the authority to make, execute and deliver a Power of Attorney constituting as Attorney(s)-in-fact such persons, firms, or corporations as may be selected from time to time.
FURTHER RESOLVED, that the signatures of such officers and the Seal of the Company may be affixed to any such Power of Attorney or any certificate relating thereto by facsimile; and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company; and any such powers so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN WITNESS WHEREOF, the Century Surety Company has caused its corporate seal to be affixed hereunto, and these presents to be signed by its duly authorized officers this 27th day of August, 2001.

CENTURY SURETY COMPANY CORPORATE SEAL OHIO

CENTURY SURETY COMPANY

Roswell P. Ellis, President

Glenn D. Southwick, Treasurer

Notary Public)
State of Ohio) SS:

On this 27th day of August, 2001, before the subscriber, a Notary for the State of Ohio, duly commissioned and qualified, personally came Roswell P. Ellis and Glenn D. Southwick of the Century Surety Company, to me personally known to be the individuals and officers described herein, and who executed the preceding instrument and acknowledged the execution of the same and being by me duly sworn, deposed and said that they are the officers of said Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and the said Corporate Seal and signatures as officers were duly affixed and subscribed to the said instrument by the authority and direction of said Corporation, and that the resolution of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at Columbus, Ohio, the day and year above written.

Sue E. Duffy
Notary Public State of Ohio
My Commission expires August 6, 2004

State of Ohio) SS:

I, the undersigned, Secretary of the Century Surety Company, a stock corporation of the State of Ohio, DO HEREBY CERTIFY that the foregoing Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth herein above, is now in force.

Signed and sealed in Columbus, Ohio this 2nd day of October 2006.

Kurt H. Weiland, Secretary

Any reproduction or facsimile of this form is void and invalid.

CENTURY Insurance Group

Century Surety Company

Certificate

2005

The following financial information was excerpted from the Statutory Annual Statement filed by Century Surety Company with the Ohio Department of Insurance on March 1, 2006.

STATEMENT OF INCOME

Direct premiums written	$ 212,952,740
Reinsurance assumed	3,211,225
Reinsurance ceded	(26,645,314)
Net premiums written	189,518,651
Change in unearned premiums	(11,889,142)
Net premiums earned	177,629,509
Losses & LAE incurred	118,345,204
Net commission expense	36,899,650
Other underwriting expenses	22,859,950
Total underwriting deductions	178,104,804
Net underwriting loss	(475,295)
Net investment gain	13,832,396
Other income	1,013,225
Income before FIT	14,370,326
Federal income tax incurred	6,525,000
Net income	$ 7,845,326

BALANCE SHEET

Admitted Assets	
Invested Assets	$ 367,188,300
Agents' balances	15,184,162
Reinsurance recoverable	6,421,571
Other assets	13,475,173
Total Admitted Assets	$ 402,269,206
Liabilities & Surplus	
Loss & LAE Reserves	$ 174,199,034
Unearned premiums	84,641,822
Other Liabilities	21,610,581
Total Liabilities	$ 280,451,437
Surplus as regards policyholders	$ 121,817,769

I hereby certify that the above information is that contained in the Statutory Annual Statement filed by Century Surety Company with the Ohio Department of Insurance for the year ending December 31, 2005.

Erin E. West, Secretary & Treasurer

NCDENR
North Carolina Department of Environment and Natural Resources

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE: (check all that apply to this audit with same Permit number)												COUNTY: WAKE
Lined MSWLF		LCID		YW		Transfer		Compost		SLAS		PERMIT NO.: 92-31
Closed MSWLF		HHW		White goods		Incin		T&P		FIRM		FILE TYPE: COMPLIANCE
CDLF	X	Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF		

Date of Audit: 10-21-2004 Date of Last Audit

FACILITY NAME AND ADDRESS:
MATERIAL RECOVERY/BROWNFIELD RD CDLF
SR 2553/Brownfield Road
Raleigh NC

FACILITY CONTACT NAME AND PHONE NUMBER:
Chris Roof
(919) 835-3655

FACILITY CONTACT ADDRESS (IF DIFFERENT):
Chris Roof
421 Raleigh View Road
Raleigh North Carolina 27610

AUDIT PARTICIPANTS:
Flint Worrell, DENR, Waste Mgmt. Specialist
Richard Call Jr., MR Operator
Paulette Frantz, MR S. Operator & Records

STATUS OF PERMIT:
Active, Issued 1-31-03

PURPOSE OF AUDIT:
Compliance

NOTICE OF VIOLATION(S)):
None

You are hereby advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to $5,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. If the violation(s) noted here continue, you may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

STATUS OF PAST NOTED VIOLATIONS
NA

OTHER COMMENTS /SUGGESTIONS:
1. Facility in great shape and is operating a clean LF. MR Brownfield's records were in order and in place at the

EXHIBIT 5 ALL-STATE® INTERNATIONAL

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

facility. The Staff was well trained and very professional.

Please contact me if you have any questions or concerns regarding this audit report.

Phone: (910)-486-1541

Flint Worrell
Regional Representative

Delivered on : 10-25-2004		hand delivery	X	US Mail		Certified No. [_]

Mark Poindexter, NCDENR-Solid Waste Section

NCDENR
North Carolina Department of Environment and Natural Resources

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE:											
Lined MSWLF		LCID		YW		Transfer		Compost		SLAS	
Closed MSWLF		HHW		White goods		Incin		T&P		FIRM	
CDLF	X	Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF	

COUNTY: Wake
PERMIT NO.: 92-31
FILE TYPE: COMPLIANCE

Date of Audit: October 5, 2005 Date of Last Audit: October 21, 2004

FACILITY NAME AND ADDRESS:
Material Recovery, LLC
2600 Brownfield Road
Raleigh, North Carolina 27610

FACILITY CONTACT NAME AND PHONE NUMBER:
Wilbert Carter, Landfill Manager
(919)-779-3339

FACILITY CONTACT ADDRESS:
Chris Roof, President
Waste Corporation America
421 Raleigh View Road
Raleigh, North Carolina 27610

AUDIT PARTICIPANTS:
Dennis E. Shackelford, NCDENR - Solid Waste Section
Wilbert Carter, Certified Landfill Manager
Paulette Frantz, Weigh Master

STATUS OF PERMIT:
Permit to Construct issued January 31, 2003
Permit to Operate issued October 1, 2003 **(expiration for review October 1, 2008)**

PURPOSE OF AUDIT:
Comprehensive Audit

NOTICE OF VIOLATIONS:

None

You are hereby advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to $5,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. If the violation(s) noted here continue, you may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

STATUS OF PAST NOTED VIOLATIONS:
None

Division of Waste Management
Solid Waste Section

OTHER COMMENTS /SUGGESTIONS:

1. Cover Material Requirements. Operation soil cover or at least six inches shall be placed at least once per week or when the active area reaches ½ acre in size more often as necessitated by the nature of the waste as to prevent the site from becoming a visual nuisance and to prevent fire, windblown materials, vectors, or excessive water infiltration. There was no mention in the approve permit of using C&D fines as an Operational Cover.
2. The cover being pulled back before additional layers of waste are placed over them is contaminated with C&D waste. Operational cover should be six inches of clean soil applied as required.
3. The exposed area is less than a ½ acre and is being managed well.
4. The facility is currently accepting waste into Cell "A".
5. The permit and operations plan were reviewed. The files were complete and easily accessible.
6. Approximately 500 tons per day are being accepted at the facility.
7. The contingency plan was available for review. The Landfill Emergency Management Plan was posted on the break room wall so that it is available to be reviewed daily. **Good Job!**
8. The waste screening records were reviewed. Waste screening is currently being conducted on about 20% of the waste being brought to this facility.
9. The Certified Operators are as follows:
   Wilbert Carter, Certified Landfill Operations Manager issued June 13, 2001 expires September 22, 2007
   Rick Call, Certified Landfill Operations Specialist issued March 26, 2002 expires December 25, 2008
   Richard Call Jr., Certified Landfill Operations Specialist issued March 26, 2002 expires June 28, 2007
10. The water quality sampling is being conducted semi-annually.
11. No asbestos waste is being accepted at this time.
12. The monitoring wells were locked and accessible.
13. The signs at the facility entrance were checked and met the requirements.
14. The sedimentation and erosion control measures appeared to be adequate.
15. The facility is being managed well.

Please contact me if you have any questions or concerns regarding this audit report.

Dennis E. Shackelford
Waste Management Specialist
Solid Waste Section
Regional Representative

Phone: (910)-486-1541 extension 749

Delivered on: October 18, 2005 by		Hand delivery	X	US Mail		Certified No.

Cc: **Mark Poindexter, Field Operations Branch Head**
John Crowder, Eastern District Supervisor

Wilbert Carter, Landfill Manager
2600 Brownfield Road
Raleigh, North Carolina 27610

NCDENR
North Carolina Department of Environment and Natural Resources

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE:												
Lined MSWLF		LCID		YW		Transfer		Compost		SLAS		COUNTY: **Wake**
Closed MSWLF		HHW		White goods		Incin		T&P		FIRM		PERMIT NO.: **92-31**
CDLF	X	Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF		FILE TYPE: COMPLIANCE

Date of Audit: June 8, 2006 Date of Last Audit: October 5, 2005

FACILITY NAME AND ADDRESS:
Material Recovery, LLC
2600 Brownfield Road
Raleigh, North Carolina 27610

GPS COORDINATES: Unavailable

FACILITY CONTACT NAME AND PHONE NUMBER:
Wilbert Carter, Landfill Manager
(919)-779-3339

FACILITY CONTACT ADDRESS:
Wilbert Carter
Material Recovery, LLC
2600 Brownfield Road
Raleigh, North Carolina 27610

AUDIT PARTICIPANTS:
Dennis E. Shackelford, NCDENR - Solid Waste Section
Wilbert Carter, Certified Landfill Manager
Kathleen Sharrer, Weigh Master

STATUS OF PERMIT:
Permit to Construct issued January 31, 2003
Permit to Operate issued October 1, 2003
Permit to Operate Cell "B" issued May 23, 2006 **(expiration for review October 1, 2008)**

PURPOSE OF AUDIT:
Comprehensive Audit

NOTICE OF VIOLATIONS:

None

You are hereby advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to $5,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. If the violation(s) noted here continue, you may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

STATUS OF PAST NOTED VIOLATIONS:
None

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

OTHER COMMENTS /SUGGESTIONS:

1. The Permit and Operations Plans were reviewed. All of the required information was available and presented in an orderly manner.
2. The signs at the facility entrance were checked and met the requirements.
3. A Pre-operative meeting was held for Phase I, Cell "B". A Comprehensive Audit was also performed during the visit.
4. All of the affected areas that were disturbed during construction have been seeded and the ground cover progress was very good.
5. The erosion control measures appeared to be adequate and were functioning properly at this time.
6. The exposed area was less than ½ acre and was being compacted into a small area.
7. The facility is currently accepting +/- 400 tons per day.
8. The waste screening records were reviewed and are being conducted routinely on more than 5% of the waste stream.
9. The Contingency Plans were reviewed and were also posted in the break room. Good Job!
10. The water quality sampling is being conducted semi-annually.
11. No asbestos waste is being accepted and disposed of in the facility.
12. Actions need to continue to ensure that the waste being disposed of at the construction and demolition landfill is, in fact, construction and demolition waste only. Unacceptable waste streams should be removed as they are noticed and disposed of properly.
13. The wind blown paper was minimal and is being managed properly.
14. The monitoring wells were locked and labeled.
15. The access roads were in good shape and are being maintained well.
16. The certified operators are as follows:
    Wilbur Carter, Manager of Landfill Operations, expires November 18, 2008
    Richard Call Sr., Landfill Operations Specialist, expires June 28, 2007
    Richard Call Jr., Landfill Operations Specialist, expires February 25, 2008
    Kathleen Sharer, Certified Transfer Station Operator, expires March 24, 2009
17. The Landfill is being managed well.

Please contact me if you have any questions or concerns regarding this audit report.

Dennis E. Shackelford
Waste Management Specialist
Solid Waste Section
Regional Representative

Phone: (910)-433-3349

Delivered on: July 10, 2006 **by**		Hand delivery	X	US Mail		Certified No.

Cc: Mark Poindexter, Field Operations Branch Head
John Crowder, Eastern District Supervisor

Elaine F. Marshall
Secretary

North Carolina
DEPARTMENT OF THE SECRETARY OF STATE
PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

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Date: 11/16/2006

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Corporation Names

Name	Name Type
NC WCA Wake Transfer Station, LLC.	Legal
NC MRR Wake Transfer Station, LLC	Prev Legal

Limited Liability Company Information

SOSID:	0668602
Status:	Current-Active
Date Formed:	3/24/2003
Citizenship:	Domestic
State of Inc.:	NC
Duration:	Perpetual

Registered Agent

Agent Name:	Capitol Corporate Services, Inc.
Registered Office Address:	120 Penmarc Drive, Suite 118 Raleigh NC 27603
Registered Mailing Address:	120 Penmarc Drive, Suite 118 Raleigh NC 27603
Principal Office Address:	One Riverway, Suite 1400 Houston TX 77056
Principal Mailing Address:	One Riverway, Suite 1400 Houston TX 77056

EXHIBIT 6
ALL-STATE® INTERNATIONAL

For questions or comments about the North Carolina Secretary of State's web site, please send e-mail to ***Webmaster.***

LIMITED LIABILITY COMPANY ANNUAL REPORT

SOSID: 0668602
Date Filed: 4/17/2006 12:35 PM
Elaine F. Marshall
North Carolina Secretary of State

NAME OF LIMITED LIABILITY COMPANY: *Wca Wake Transfer Station, LLC.*

STATE OF INCORPORATION: *NC*

SECRETARY OF STATE L.L.C. ID NUMBER: *0668602* FEDERAL EMPLOYER ID NUMBER: *13-4244660*

NATURE OF BUSINESS: *Construction Debris Transfer Station*

REGISTERED AGENT: *Capitol Corporate Services, Inc.*

REGISTERED OFFICE MAILING ADDRESS: *120 Penmarc Drive, Suite 118*
Raleigh, NC 27603

REGISTERED OFFICE STREET ADDRESS: *120 Penmarc Drive, Suite 118*
Raleigh, NC 27603 County: Wake

PRINCIPAL OFFICE TELEPHONE NUMBER: *713-292-2400*

PRINCIPAL OFFICE MAILING ADDRESS: *One Riverway, Suite 1400*
Houston, TX 77056

PRINCIPAL OFFICE STREET ADDRESS: *One Riverway, Suite 1400*
Houston, TX 77056

MANAGERS/MEMBERS/ORGANIZERS:

J Edward Menger
Title: Vice President, General Counsel
One Riverway, Suite 1400
Houston, TX 77056

Wca Waste Systems, Inc.
Title: Member
One Riverway, Suite 1400
Houston, TX 77056

Tom J. Fatjo Jr.
Title: Manager
One Riverway, Suite 1400
Houston, TX 77056

Jerome M. Kruszka
Title: Manager
One Riverway, Suite 1400
Houston, TX 77056

Tom J. Fatjo III
Title: Manager
One Riverway, Suite 1400
Houston, TX 77056

CERTIFICATION OF ANNUAL REPORT MUST BE COMPLETED BY ALL LIMITED LIABILITY COMPANIES

WCA Waste Systems, Inc. — 4/17/2006

FORM MUST BE SIGNED BY A MANAGER/MEMBER — DATE

WCA Waste Systems, Inc. — Manager/Member

TYPE OR PRINT NAME — TYPE OR PRINT TITLE

ANNUAL REPORT FEE: E-Paid Secretary of State • Corporations Division • Post Office Box 29525 • Raleigh, NC 27626-0525

BK011483PG00194

NORTH CAROLINA
Department of The Secretary of State

To all whom these presents shall come, Greetings:

I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF AMENDMENT

OF

WCA WAKE TRANSFER STATION, LLC.

the original of which was filed in this office on the 12th day of April, 2005.

WAKE COUNTY, NC 720
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
07/22/2005 AT 15:30:18

BOOK:011483 PAGE:00194 - 00196

EMV

Return to: Blanco Tackabery
Attn: GCH
PO Drawer 25008
Winston-Salem, NC 27114

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 20th day of July, 2005

Elaine F. Marshall

Secretary of State

BK011483PG00195

SOSID: 0668602
Date Filed: 4/12/2005 12:04:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C200509600456

State of North Carolina
Department of the Secretary of State

Limited Liability Company
AMENDMENT OF ARTICLES OF ORGANIZATION

Pursuant to §57C-2-22 of the General Statutes of North Carolina, the undersigned limited liability company hereby submits the following Articles of Amendment for the purpose of amending its Articles of Organization.

1. The name of the limited liability company is: MRR WAKE TRANSFER STATION, LLC

2. The text of each amendment adopted is as follows (attach additional pages if necessary):

1. The name of the limited liability company is WCA Wake Transfer Station, LLC.

3. The street address and county of the registed office of the limited liability company is 120 Penmarc Drive, Suite 116, Raleigh, NC 27603, Wake County.

5. The name of the registered agent is Capitol Corporate Services, Inc.

3. (Check either a or b, whichever is applicable)

a. ____ The amendment(s) was (were) duly adopted by the unanimous vote of the organizers of the limited liability company prior to the identification of initial members of the limited liability company.

b. ✓ The amendment(s) was (were) duly adopted by the unanimous vote of the members of the limited liability company or was (were) adopted as otherwise provided in the limited liability company's Articles of Organization or a written operating agreement.

4. These articles will be effective upon filing, unless a date and/or time is specified: ____

This the 4th day of April, 2005.

MRR WAKE TRANSFER STATION, LLC
Name of Limited Liability Company

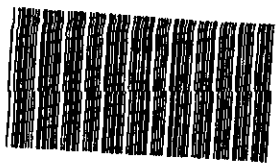
Signature

J. Edward Menker, VP of
Type or Print Name and Title
WCA NC Management General, Inc. General Partner of WCA of North Carolina, L.P. its Sole Member.

NOTES:
1. Filing fee is $50. This document must be filed with the Secretary of State.

(Revised January 2000)
CORPORATIONS DIVISION P. O. BOX 29622 *(Form L-17)* RALEIGH, NC 27626-0622

BK011483PG00196



BOOK:011483 PAGE:00194 - 00196

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

North Carolina – Wake County

The foregoing certificate___ of _____
_____
_____
_____
_____

_____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: _____
Assistant/Deputy Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

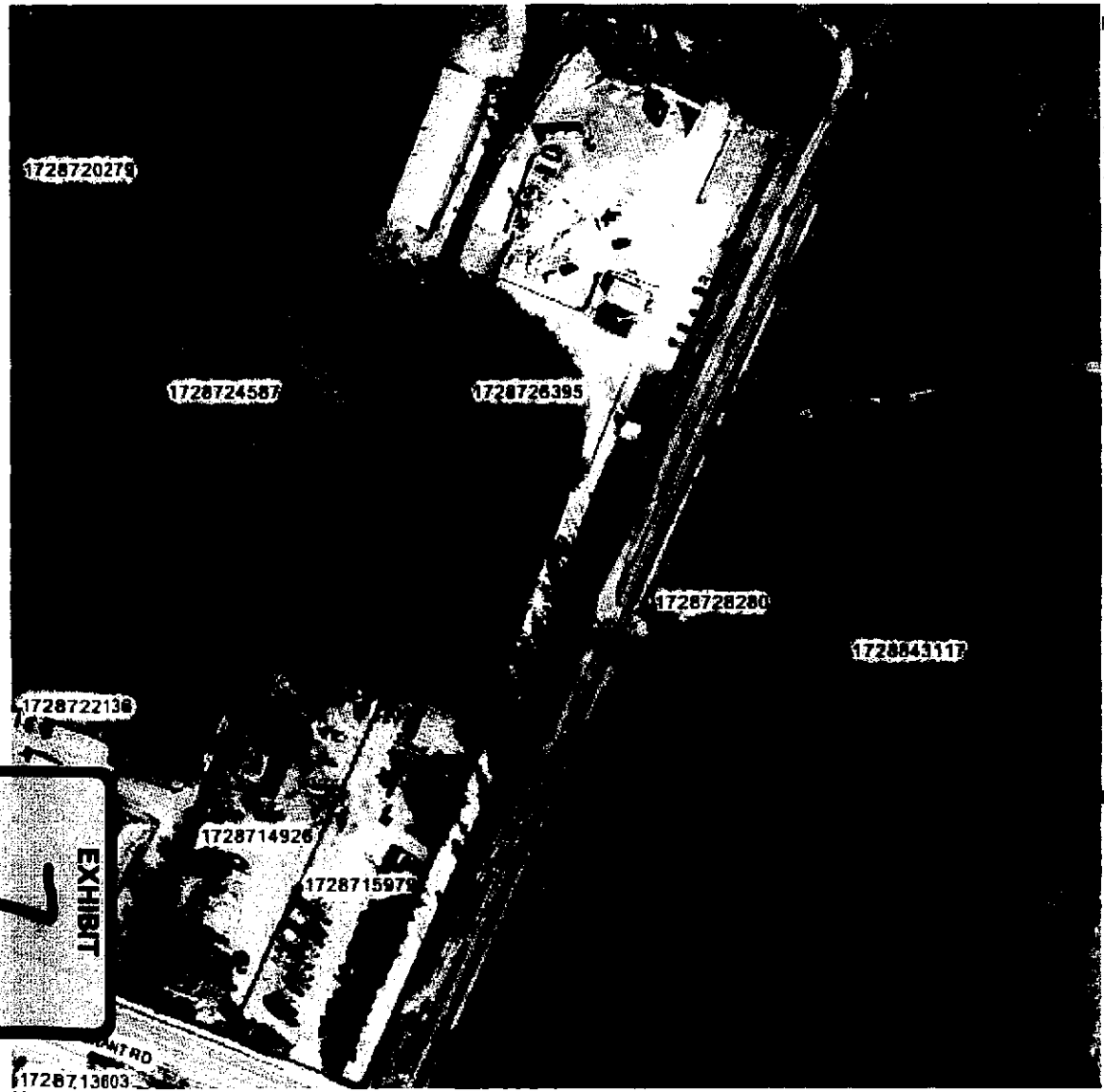
This Document
_____ New Time Stamp
_____ # of Pages

22.004-7/11/03

imaps
WAKE COUNTY AND THE CITY OF RALEIGH

RALEIGH & WAKE COUNTY

WCA WAKE TRANSFER STATION, LLC



Map created on 11/16/2006 3:30:11 PM.
Copyright 2006. City of Raleigh, Wake County.

0 177 ft

Parcel Number:	1728726395-000
REID:	0159092
OWNER1:	MRR WAKE TRANSFER STATION LLC
ADDR1:	421 RALEIGH VIEW RD
ADDR2:	RALEIGH NC 27610-4623
ADDR3:	
DEED BOOK:	10193
DEED PAGE:	0904
DEED DATE:	6/13/2003
DEED ACRES:	4.26
BLDG VAL:	82764
LAND VAL:	185566
BILLING CLASS:	CORPORATE LISTING
DESCRIPTION:	ELECTRONIC EQUIP ANALYZERS 86-1435 TRC
MAP NAME:	172820
PIN NUM:	1728726395
PIN EXT:	000
CITY:	
PLAN JURIS:	RA
TOWNSHIP:	NEUSE
YEAR BUILT:	1987
SALEPRICE:	112000
SALEDATE:	8/14/1986
TYPE USE:	Typical Office
DESIGN STYLE:	Conventional
UNITS:	0
LAND CLASS:	COMMERCIAL
OLD PARCEL NUMBER:	305-00000-0121
RALEIGH SITE ADDRESSES 1	
STREET NUM:	9220
STREET SUITE:	
STREET DIR PRE:	
STREET NAME:	DURANT
STREET TYPE:	RD
STREET DIR SUF:	
ADDRESS TYPE:	Parcel
ADDRESS STATUS CODE DESCR:	ACTIVE

Streets
Parcels
Security Screen
2005 Color Orthos: County-wide
2005 Color Ortho - tile
Wake County Boundary
Adjacent Counties

EXHIBIT 7
ALL-STATE INTERNATIONAL

BK010193PG00904

WAKE COUNTY, NC 397
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
06/13/2003 AT 12:19:38

BOOK:010193 PAGE:00904 - 00909

WAKE COUNTY, NC 1001
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03/28/2003 AT 15:24:24

BOOK:010065 PAGE:01634 - 01638

NORTH CAROLINA NON-WARRANTY DEED

Excise Tax: $0.00 Recording Time, Book and Page
Tax Lot No. _____ Parcel Identifier No. 0159092
Verified by _____ County on the ____ day of _____, 20__
by _____

Mail after recording to: David E. Wagner (Vault Box #123)
Kennedy, Covington, Lobdell & Hickman, L.L.P.

This instrument was prepared by: Samuel T. Oliver, Jr. of Manning, Fulton & Skinner, P.A.
(without title examination)

Brief description for the Index: 9220 Durant Road

THIS DEED made this 27 day of March, 2003, by and between

GRANTOR	GRANTEE
SOUTHERN EQUIPMENT COMPANY, INC.	**MRR WAKE ~~COUNTY~~ TRANSFER STATION, LLC** 421 Raleighview Road Raleigh, NC 27610

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

The undersigned is the attorney who drafted the original of this instrument which has now been corrected and initialed by me to correctly set forth the name of the Grantee.

This the 12th day of June, 2003.

Samuel T. Oliver, Jr.

0106691 01
LIB: RA

360262/STO/mmc/01043-T21104

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Neuse River Township, Wake County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3799, Page 487 and Book 3799, Page 495 Wake County Registry.

A map showing the above described property is recorded in Plat Book 1986, Page 1435 Wake County Registry.

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

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed and delivered.

SOUTHERN EQUIPMENT COMPANY, INC.

By: _____
President

STATE OF NORTH CAROLINA :

COUNTY OF WAKE :

I, the undersigned Notary Public of the County and State aforesaid, certify that J. G. Loftin, Jr., personally came before me this day and acknowledged that he is President of Southern Equipment Company, Inc. a North Carolina corporation, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and official stamp or seal, this 27 day of March, 2003.

MARY M. CLARK
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 10-03-2003

Mary M. Clark
Notary Public
My Commission Expires: 10-3-2003

Exhibit A

BEGINNING at a set iron pipe located at the intersection of the northern edge of the right of way of Durant Road (SR 2006) with the western edge of the right of way of Seaboard Coastline Railroad, and running thence with said right of way of Durant Road (SR 2006) North 68°23'16" West 30.02 feet to an existing iron pipe, a corner with the property of the now or formerly K & Associates of Raleigh Inc. described in Deed recorded in Book 7708, Page 432, Wake County Registry; thence with the property line of said K & Associates of Raleigh Inc. two (2) calls: (1) North 23°48'55" East 378.44 feet to a set iron pipe, the northeast corner of Tract "B" as shown on plat of survey recorded in Book of Maps 1986, Page 1435, Wake County Registry (the "Plat"); and (2) North 66°11'10" West 220.23 feet to an existing iron pipe, the northwest corner of Tract "A" as shown on the Plat, and located in the property line of the now or formerly Mallinckrodt Inc. property described in Deed recorded in Book 8529, Page 944, Wake County Registry; thence with property line of said Mallinckrodt Inc. property two (2) calls as follows: (1) North 23°51'33" East 666.88 feet to an existing iron pipe and (2) South 79°50'23" East 256.99 feet to an existing iron pipe located in the western edge of the right of way of Seaboard Coastline Railroad; thence with said right of way of Seaboard Coastline Railroad South 23°48'55" West 1104.82 feet to the point and place of BEGINNING, containing 4.261 acres as shown on plat of survey entitled "Boundary and Topographic Survey for Wake Transfer Station, LLC" dated March 21, 2003, prepared by Walter M. Reynolds, III, Professional Land Surveyor, of TRC Triangle.

BK010193PG000908

Laura M Riddick
Register of Deeds
Wake County, NC

Book : 010805 Page : 01634 - 01638

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Please retain with original document and submit for rerecording.

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

North Carolina - Wake County

The foregoing certificate___ of Mary M Clark

_____

_____

_____

_____

_____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: Janet Morgan
Assistant/Deputy Register of Deeds

This Customer Group
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This Document
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5 # of Pages

BK010193PG00909

Laura M Riddick
Register of Deeds
Wake County, NC

Book : 010193 Page : 00904 - 00909

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Please retain with original document and submit for rerecording.

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

North Carolina - Wake County

The foregoing certificate___ of _____

_____

_____

_____

_____

_____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M Riddick, Register of Deeds

By: _____
Assistant/Deputy Register of Deeds

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BK010193PG00899

WAKE COUNTY, NC 441
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03/28/2003 AT 11:53:09
STATE OF NORTH CAROLINA
REAL ESTATE EXCISE TAX: $1202
BOOK:010003 PAGE:01745 - 01748

WAKE COUNTY, NC 395
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
06/13/2003 AT 12:19:38

BOOK:010193 PAGE:00899 - 00903

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $1,202.00 Recording Time, Book and Page
Tax Lot No. _____ Parcel Identifier No.: 0159092
Verified by _____ County on the ____ day of _____, 20__
By _____

Mail after recording to: David E. Wagner (Vault Box #123)
Kennedy, Covington, Lobdell & Hickman, L.L.P.

This instrument was prepared by: Samuel T. Oliver, Jr. of Manning, Fulton & Skinner, P.A. (without title examination)

Brief description for the Index: 9220 Durant Road

THIS DEED made this 27 day of March, 2003 by and between

GRANTOR	GRANTEE
SOUTHERN EQUIPMENT COMPANY, INC.	**MRR WAKE [redacted] TRANSFER STATION, LLC** 421 Raleighview Road Raleigh, NC 27610

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Neuse River Township, Wake County, North Carolina and more particularly described as follows:

FOR CORRECTION SEE PAGE 2

Being all of Tract "C" as shown on map entitled "Recombination of the Property of Electronic Equipment Analysers Inc." by John Y. Phelps, Registered Land Surveyor, dated August 12, 1986 and recorded in Book of Maps 1986, Page 1435, Wake County Registry.

The property hereinabove described was acquired by Grantor by instruments recorded in Book 3799, Page 487 and Book 3799, Page 495 Wake County Registry.

A map showing the above described property is recorded in Plat Book 1986, page 1435 Wake County Registry.

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

2003 ad valorem taxes, enforceable easements, covenants and restrictions of record as of the dated of recording hereof.

IN WITNESS WHEREOF, the Grantor has hereto set his hand and seal the day and year first above written.

SOUTHERN EQUIPMENT COMPANY, INC.

By: J. D. Loftin, Jr.
President

The undersigned is the attorney who drafted the original of this instrument which has now been corrected and initialed by me to correctly set forth the name of the Grantee.
This the 12th day of June, 2003.

Samuel T. Oliver, Jr.

STATE OF NORTH CAROLINA :

COUNTY OF WAKE :

I, the undersigned Notary Public of the County and State aforesaid, certify that J. G. Loftin, Jr., personally came before me this day and acknowledged that he is President of Southern Equipment Company, Inc. a North Carolina corporation, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and official stamp or seal, this 27 day of March, 2003.

MARY M. CLARK
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 10-03-2003

Mary M. Clark
Notary Public
My Commission Expires: 10-3-2003

BK010193PG00902

Laura M Riddick
Register of Deeds
Wake County, NC

Book : 010083 Page : 01745 - 01748

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

North Carolina - Wake County

The foregoing certificate___ of ___mary mclark___

_____

_____

_____

_____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds
By: Michael O. Blake DEPUTY
Assistant/Deputy Register of Deeds

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4 # of Pages

BK010193PG00903

Laura M Riddick
Register of Deeds
Wake County, NC

Book : 010193 Page : 00899 - 00903

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

North Carolina - Wake County

The foregoing certificate___ of _____
_____
_____
_____
_____

_____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

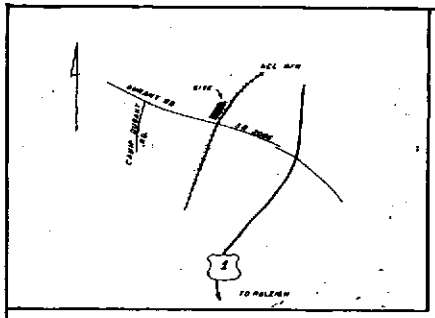
Laura M. Riddick, Register of Deeds

By: _____
Assistant/Deputy Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
__5__ # of Pages

BOOK 1986 PAGE 1435



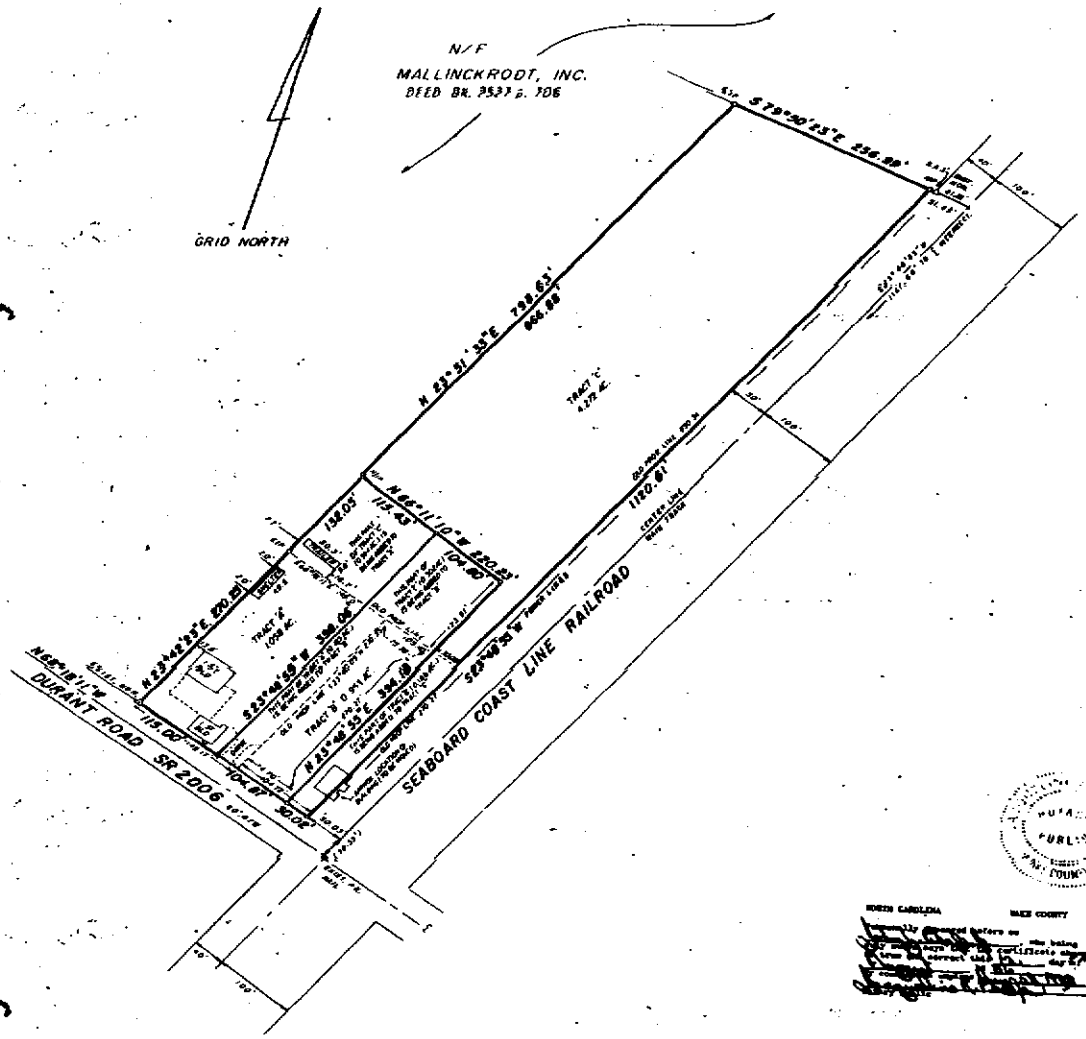
VICINITY MAP (N.T.S.)

THIS PLAT NOT TO BE RECORDED AFTER 26th DAY OF Aug 1986
1 COPY TO BE RETAINED FOR THE CITY.

THIS PLAT IS IN / OUT OF THE CITY LIMITS.

THIS IS NOT A SUBDIVISION BUT A RECOMBINATION OF PREVIOUSLY PLATTED PROPERTY.

George E. Chapman 8-15-86
GEORGE E. CHAPMAN DATE
Director of Planning



GRAPHIC SCALE 1"=100'
100 50 0 100 250

NORTH CAROLINA - WAKE COUNTY

The foregoing certificate of Jacqueline R. Phelps
Notary (s) Public (are) certified to be correct. This instrument was presented for registration and recorded in this office.
This 14th day of August 1986, at 8:42 o'clock A.M.
Book 5 Wilson, Register of Deeds
By A. Dawn Redd
Deputy Register of Deeds

RECORDED IN BOOK OF MAPS 1986 VOL. _____ PAGE 1435

TAX MAP 303 PARCELS 8, 28, 31 R-145-84

SCALE	1" = 100'
DATE	08/12/86
FLD BK.	361

RECOMBINATION OF THE PROPERTY OF
ELECTRONIC EQUIPMENT ANALYSERS INC.
NEUSE TWP., WAKE CO., N.C.
JOHN Y. PHELPS, JR. - REGISTERED LAND SURVEYOR

1913

Reich, Rick

From: Reich, Rick
Sent: Thursday, September 28, 2006 11:06 AM
To: 'ed.mussler@ncmail.net'
Cc: Berlin, Steve
Subject: WCA Wake Transfer Station, LLC
Attachments: WCA Wake Transfer Station, LLC - Site Application Document - February 2005.PDF

Mr. Mussler,

Thank you for talking with me today regarding the WCA Wake Transfer Station, LLC.

Per your request, attached is a copy of the Site Application Document prepared by David Garrett, P.G., P.E. for this facility. We are informed that this document was submitted to NC DENR in February 2005.

Attorney Stephen R. Berlin of Kilpatrick Stockton LLP represents WCA Wake Transfer Station, LLC and should be contacted regarding any questions or other issues you may have regarding this matter. Mr. Berlin's direct telephone number is 336-607-7304 and his e-mail address is sberlin@kilpatrickstockton.com.

Again, thank you for your time and attention on this matter.

Regards,
Rick Reich

KILPATRICK STOCKTON LLP
Attorneys at Law

Richard H. Reich, NCCP
Environmental / Land Use Paralegal
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
t 336 607 7387
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EXHIBIT 8
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Reich, Rick

From: System Administrator
To: ed.mussler@ncmail.net
Sent: Thursday, September 28, 2006 11:06 AM
Subject: Delivered: Delivery Status Notification

Your message

To:	ed.mussler@ncmail.net
Cc:	Berlin, Steve
Subject:	WCA Wake Transfer Station, LLC
Sent:	9/28/2006 11:06 AM

was delivered to the following recipient(s):

ed.mussler@ncmail.net on 9/28/2006 11:06 AM

SITE APPLICATION DOCUMENT

Facility Plan and Operations Plan

WCA Wake Transfer Station, LLC
9220 Durant Road
Raleigh, North Carolina

Reissued February 2005
Original Issue May 2003

David Garrett, P.G., P.E.
Engineering and Geology

5105 Harbour Towne Drive, Raleigh, NC 27604 **Telephone/Fax (919) 231-1818**

David Garrett, P.G., P.E.
Engineering and Geology

February 23, 2005

Mr. Jim Barber, Permitting Branch Head
NC DENR Division of Waste Management, Solid Waste Section
401 Oberlin Road
Raleigh, North Carolina, 27611

RE: Application for C&D Transfer Station Permit **(Formerly Permit 92-34T)**
WCA Wake Transfer Station, LLC **Reissued for Ownership Transfer**
Wake County, North Carolina

Dear Mr. Barber:

On behalf of both MRR Wake Transfer Station, LLC (MRR) and WCA Wake Transfer Station, LLC (WCA), I am pleased to present this permit application for a new C&D Transfer Station. The subject facility was originally permitted by the NC DENR Division of Waste Management ca. May 2003 as Permit #92-34T. The site has been in continuous operation since late June 2003 by MRR. At this time, the two parties have reached a substantial agreement to transfer the physical property from MRR to WCA and hereby make this request for a new permit in the name of WCA Wake Transfer Station, LLC.

This application is made pursuant to Solid Waste Rule 15A NCAC 13B .0400. Please find the following documents, reissued with minor revisions to reflect the new property ownership: a Site Plan, an Operations Plan, an approval letter from the City of Raleigh Zoning Department (stating that site use is consistent with the Industrial-1 zoning of the property), and a storm water and erosion control plan. The site is within the City limits and subject to the City of Raleigh storm water regulations. The storm water plan was approved as a condition of the Building Permit and requires no modification.

The facility is located at 9220 Durant Road, less than one mile from the current Wake County landfill, which ceased taking C&D wastes on May 31, 2003. No major changes to the operations are anticipated, and the facility has demonstrated compliance with applicable State, County and City regulations. The facility is being operated slightly below the design capacity of 250 and 500 tons per day. On behalf of WCA, we look forward to your comments at your earliest convenience and the continued cordial relationship with the Division of Waste Management. Please contact me or Mr. Chris Roof (919-835-2776), if you have any questions. We look forward to your response.

Sincerely,

G. David Garrett, P.G., P.E.
Project Engineer

5105 Harbour Towne Drive, Raleigh, North Carolina 27604
E-mail: david_garrett_pg@mindspring.com **919-231-1818** (Office and Fax) **919-418-4375** (Mobile)

WCA WAKE TRANSFER STATION, LLC
C&D TRANSFER FACILITY
OPERATIONS PLAN, February 23, 2005

1. Facility Location and Description

The transfer facility is located at 9220 Durant Road, approximately 1 mile west of Capital Boulevard (US 1), in northern Raleigh. The site is approximately 2 miles north of the US 1 and I-540 interchange. The site is within the limits of the City of Raleigh. This tract is zoned Industrial-1, which allows for the siting of the solid waste transfer station. A letter from the City of Raleigh's Zoning Administrator (Attachment 1) confirms this finding. This site was formerly permitted in May 2003 by NC DENR Division of Waste Management as Permit #92-34T.

The facility consists of an approximately 2-acre site, half of which is paved and/or exhibits hardened surfaces. The site formerly hosted a concrete batch plant. The site is entered from Durant Road via a 600-foot long paved driveway, which is bordered by approximately 2 acres of woods within the property boundary and other businesses along Durant Road. The site is bordered to the north and west by private industrial property and to the east by CSX Railroad. The site cannot be seen from Durant Road or any residential areas.

The facility includes an open paved area for tipping, sorting, and loading inert wastes, a paved parking area, and a gravel turn-around pad for collection vehicles. All waste-handling areas are surrounded by large concrete bin-block walls. Storm water is conveyed via ditches to on-site basins. A fueling pump and above-ground diesel storage tank (with secondary containment) exist away from and downhill of the waste handling areas. A permanent office building, scales, and a mobile scale house complete the on-site structures. A security gate and a 10-foot high chain-link fence surround the working areas.

Due to the inert nature of the wastes, drainage is handled under an approved storm water management plan permitted by the City of Raleigh. Public water and sewer are available in the vicinity – the site has public water but not sewer. A septic tank was identified that serves the office building. A new septic drain field was built under a permit from Wake County. All streets are paved. Access/egress visibility is adequate, and local traffic patterns have not altered.

2. Description of Solid Waste

The transfer station accepts construction and demolition (C&D) wastes from residential, commercial, and industrial projects. Accepted materials include brick, block, rock, uncontaminated soil, treated and untreated wood, stumps, limbs, brush and other vegetative material, construction debris, demolition debris (including properly packaged and transported asbestos wastes, by prior arrangement), land clearing debris, metals, and certain recyclables. The waste stream varies between 250 to 500 tons per day.

No sludges, special waste, regulated medical waste, or hazardous waste shall be accepted at the transfer station, and no putrescible municipal solid wastes (MSW) shall be accepted. A sign posted at the entrance states that no hazardous or liquid waste shall be received. WCA Wake Transfer Station, LLC, shall also conduct random waste screenings to insure that non-regulated materials are not accepted at this facility. A copy of the Waste Screening Program is included as Attachment 2 to this plan.

Construction and Demolition waste are sorted at the transfer station for transport and disposal. Depending on the waste load, outbound trucks will transport the waste to one of WCA's processing or disposal areas located offsite. Recyclable metals, cardboard, wood waste, soil, masonry, sheetrock, and/or beneficial fill may be transported to the WCA recycling facility located on Raleigh View Road (south of the downtown area), to a local metals recycling facility, or to a WCA disposal facility located south of Raleigh. Non-recyclables shall be transported to the WCA disposal facility or to another destination.

3. Transportation of Waste

Routine Operations

Collection vehicles consisting of dump trucks, dump trailers, pickup trucks, and roll-off trucks transport waste to the transfer facility. Incoming trucks shall be weighed upon arrival at the facility. Refuse shall be deposited on a paved outdoor tipping area, where it is sorted and pushed into open concrete bunkers then transferred into transport trucks. A "cherry picker" material handler and/or a front-end loader shall be used for sorting and loading the wastes.

The transport vehicles shall typically consist of a tractor and a 53-foot aluminum body trailer. The trailers shall be covered with tarps before leaving the transfer station. The majority of wastes shall be transferred each working day, except for small loads of inert debris and/or recyclables (e.g., scrap metal). Small quantities of inert materials may be kept in open bunkers up to one week or until a trailer-load quantity exists. No long-term storage of waste shall occur.

Asbestos Wastes

Certain C&D wastes containing asbestos may be accepted by prior arrangement and advance notification to the facility. All NC DENR protocols for handling asbestos shall be observed.

Contingency Operations

In the event a loader or material handler breaks down, substitute loaders can be easily rented as backup. If a transfer truck breaks down, the trucking contractor shall provide a replacement unit so that no delays will result. Natural light is sufficient for normal operations, therefore a loss of power will not affect transfer activities.

4. Operational Procedures

Hours of Operation

The transfer station operates on a 12 hour a day basis, six days a week for internal Wake Transfer Station trucks. The transfer station will operate from 7 a.m. to 5 p.m. Monday through Saturday for all other traffic, including customer drop-off, unless otherwise posted at the facility entrance. These operating hours may fluctuate based on the needs of the facility. The hours stated are for the receipt of waste; other activities pertaining to the transfer facility may be conducted beyond these hours.

Operator Responsibilities

An operator shall always be present at the transfer station during operating hours. The operator is responsible for the operations, maintenance, and general housekeeping of the facility. The

operator directs all traffic into and out of the transfer station. The operator is also responsible for the movement of waste from the tipping area into the trailers.

At the end of each operational day, the tipping area shall be completely cleaned of all solid waste. The operator shall remove all loose debris, including any wind blown debris, lock all operating equipment, close and lock all doors to the transfer station, set security alarms, and lock the security gate at the entrance to the site.

Housekeeping/Vector Control Measures

No C&D waste shall be stored at the site longer than 7 days. A majority of the inert waste shall be transported within 24 hours, with the exception of weekends and holidays. Any putrescible wastes shall be immediately placed into designated MSW roll-off containers and removed in accordance with a routine collection schedule (this may be contracted out). The tipping area shall be washed down daily (or as necessitated by operations) to minimize dust. Any wet or muddy waste materials may be placed in a bunker. Dusty wastes shall be lightly sprinkled with water prior to highway transport. Wash-down water shall be directed to the storm water system.

Recycling Activities

All recyclable goods shall be segregated and placed in concrete bunkers for temporary storage. These materials shall be loaded into a trailer for transport to a recycling facility. The facility is designed to promote separation of the recyclable inert materials from non-recyclable wastes.

5. Safety Considerations

Emergency procedures for fire and personal injury shall be posted at the facility. Fire extinguishers shall be placed strategically throughout the facility, as shown on the facility plan. Employees will be trained in the use of these extinguishers. Brooms, shovels, and hoses are also available. Also present are routine equipment such as phones, radios, and first aid kits.

A sign indicating the facility permit number, and emergency contact and phone number will be located at the entrance to the facility. An emergency contact will be designated from the WCA

staff located in Raleigh. An after-hours phone number will be posted. The site is located approximately 0.5 miles from the City of Raleigh Fire Station Number 22, located on Durant Road, which is the initial response location in the event of a fire. The North Wake County Hospital is located approximately 4 miles north of the site at the Falls Road-Durant Road intersection. For all emergencies, employees should dial "911".

6. Site Requirements and Features

Stormwater and Erosion Control

The permanent stormwater and erosion control measures for the site include:

- Two stormwater detention basins with gravel-filter discharge weirs.
- A stormwater settling sump.
- Gravel filters around all stormwater inlets and discharges.
- Riprap armoring of all drainage outlets and channels with flow velocities over 4 feet per second.

All site areas not paved or graveled have been planted with grass to prevent erosion of cut and fill slopes. Restored open space shall be maintained as lawn or planted with trees and shrubs.

Drainage Control

The concrete pad is sloped away from the tipping area to prevent the contact of stormwater runoff with the solid waste. All site drainage is channeled into two permanent detention basins. The waste is not anticipated to generate leachate, as such all storm water shall be diverted to the basins and allowed to slowly discharge into surface drainage features.

Attachment No. 1

City of Raleigh Zoning Letter

RECEIVED
APR 25 2003
KENNEDY, COVINGTON
LOBDELL & HICKMAN, LLP

City Of Raleigh
North Carolina

April 23, 2003

Lacy H. Reaves
Kennedy Covington Lobdell & Hickman, LLP
Post Office Box 1070
Raleigh, NC 27602

Mr. Reaves:

This letter is to certify that according to our records the property located at 9220 Durant Road (PIN 1728726395) is zoned Industrial-1. Waste transfer stations are allowed in this zoning district. If you have any additional questions, please feel free to give me a call at (919) 890-3125 or send e-mail to amanda.bunce@ci.raleigh.nc.us.

Sincerely,

Amanda H. Bunce

Amanda H. Bunce
Zoning Administration
City of Raleigh

Attachment No. 2

Waste Screening and Inspection Program

WASTE SCREENING AND INSPECTION PROGRAM

WCA WAKE TRANSFER STATION, LLC

1.0 INTRODUCTION

This prohibited waste exclusion program is designed to prevent prohibited wastes from entering the transfer station and designated landfill. Prohibited wastes include regulated hazardous wastes, regulated PCB wastes, and other wastes prohibited by state or local regulations or permit conditions. **PROPERLY PACKAGED ASBESTOS WASTES MAY BE ACCEPTED.**

For the purposes of this section, regulated hazardous waste means a solid waste that is a hazardous waste as defined in 40 CFR 261. 3, that is not excluded from regulation as a hazardous waste under 40 CFR 261.4 (b) or was not generated by a conditionally exempt generator.

Household hazardous waste and hazardous waste generated by a conditionally exempt generator are exempted from the screening requirements.

2.0 PROHIBITED WASTES

This transfer station is allowed to receive inert wastes classified as Construction and Demolition (C&D) wastes.

The transfer shall not accept the following:

- municipal/commercial solid wastes and household waste
- regulated hazardous wastes
- special wastes
- PCB wastes
- other prohibited wastes

<u>REGULATED HAZARDOUS WASTE</u>

Regulated hazardous waste must be disposed of or treated at a permitted hazardous waste disposal/treatment facility. **Any material contaminated by a hazardous waste is also deemed to be a hazardous waste.** RCRA permits are required to store, transport, and treat hazardous waste.

The USEPA has given exemptions from storage, transport, and disposal requirements to certain generators based on source and quantities. All hazardous waste generated by households during their normal course of activities is exempt from regulation. Regulated generators must notify the EPA that they generate hazardous waste and receive an identification number from EPA or an authorized state agency.

PCB WASTES

RCRA regulates polychlorinated biphenyls (PCB's) based on the concentration of PCB's in the waste. The regulations contained in 40 CFR Part 761 contain these requirements:

- Waste containing more than 500 ppm of PCB's must be incinerated.
- Waste containing from 50 to 500 ppm must be disposed of by incineration, approved burning, or in a chemical waste landfill permitted to receive such wastes.
- The regulations are silent concerning wastes containing less than 50 ppm of PCB's.

According to the *Draft Technical Manual for Solid Waste Disposal Facility Criteria - 40 CFR Part 258* (USEPA, April 1992), "PCB wastes do not include small capacitors found in fluorescent light ballast, white goods (e.g., washers, dryers, refrigerators) or other consumer electrical products (e.g., radio and television units)."

EXAMPLES OF OTHER PROHIBITED WASTES

WASTE	BASIS OF PROHIBITION
Radioactive Wastes	Nuclear Regulatory Commission regulations
Bulk Liquids	RCRA Subtitle D (40 CFR 258.28)
Medical Wastes (infectious)	State Solid Waste Regulations
Whole Tires	State Solid Waste Regulations

3.0 LOAD INSPECTION PROGRAM

The purpose of the load inspection program is to detect prohibited wastes and discourage attempts to handle them at the transfer station.

INITIAL PROCEDURES ON THE TIPPING AREA

The initial step in the inspection program is to review incoming loads in the tipping area. The operator will observe incoming loads for any indication of the presence of prohibited wastes. Should the operator encounter suspicious-looking loads, they will summon appropriate personnel for further evaluation of the load. If prohibited wastes are identified during inspection of a load, the prohibited load will be reloaded, rejected and sent back to the generator.

LOAD INSPECTION PROCEDURES

The major elements of load inspections are:

- spread, break up, and visually examine wastes
- flag suspicious wastes
- maintain proper records

Origin of all loads are identified prior to proceeding onto the scales and tipping floor. All load inspections are performed at the tipping floor. The Transfer Station Manager will train transfer station operations employees in waste identification procedures.

4.0 IDENTIFYING PROHIBITED OR UNAUTHORIZED WASTES

Load inspections will be done using a variety of methods to detect prohibited wastes including:

- Questioning the driver about the source of the load and the nature of generators.
- Examining product labels, especially warning labels.
- Rejecting bulk liquids in containers for rejection.
- Separating sludges, powders, granular material or materials with unusual colors for evaluation and possible rejection.
- Inspecting containers to ensure that they are empty or do not contain prohibited wastes.
- Evaluating the load for odors that are not characteristic of C&D waste.
- **Inspectors should never deliberately inhale vapors from suspicious materials or containers because this may lead to injury or death.**
- Searching for special items that have a high probability of containing prohibited waste:

  - transformers
  - batteries
  - filters
  - compressors (freon)
  - mechanical equipment (capacitors)
  - red bags (medical waste)
  - bags that may contain asbestos (without prior notification to the operator)
  - obvious prohibited wastes such as tires, etc.

MANAGING PROHIBITED WASTES

The results of the load inspection will identify wastes as:

- Acceptable
- Prohibited

Acceptable waste can be moved from the tipping area to the transport trailer. The area should be cleaned to the extent that materials from this inspection do not impact the next load to be inspected.

Prohibited wastes detected during the inspection should be returned immediately to the hauler. If the hauler or generator is not available, the wastes will be safely stored for later disposal.

If unauthorized wastes are detected, the load will be rejected and returned to hauler.

5.0 TRAINING

The WCA District Manager, equipment operators, and scalehouse staff will be trained in the contents of this plan. Training will address the following topics:

- Inspection of tipping area and load inspection procedures.
- Identification of hazardous wastes, PCB wastes and other prohibited wastes.
- Waste handling procedures (acceptable and prohibited wastes).
- Health and safety.
- Record keeping.

6.0 RECORD KEEPING

State or EPA notification is required whenever a hazardous or PCB waste is detected. Records of these notifications will be kept and will include the date and time of notification, agency and individual contacted with phone numbers, and the information that was reported.

Records documenting the successful completion of training will be maintained on-site.

The following is a waste screening form that shall be used for random load inspections and for documentation of rejected waste loads.

WCA Wake Transfer Station
Permit No. 92-34T

WASTE SCREENING FORM

Day / Date: _____ Time Weighed in: _____
Truck Owner: _____ Driver Name: _____
Truck Type: _____ Vehicle ID/Tag No: _____
Weight: _____ Tare: _____
Waste Generator / Source: _____

Reason Load Inspected: Random Inspection _____ Staff Initials _____
Detained at Scales _____ Staff Initials _____
Detained by Operating Staff _____ Staff Initials _____

Inspection Location: _____

Approved Waste Determination Form Present? (Check one) Yes_____ No _____ N/A____

Description of Load: _____

_____

Load Accepted (signature) _____ Date _____
Load Not Accepted (signature) _____ Date _____

Reason Load Not Accepted (complete below only if load not accepted) _____

Description of Suspicious Contents: Color _____ Haz. Waste Markings _____
Texture _____ _____
Drums Present _____
Est. Cu. Yds. Present in Load _____ Smell _____
Est. Tons Present in Load _____
Emergency Management Authority Contacted? Yes_____ No _____

Generator Authority Contacted? _____
Hazardous Materials Present: _____

Hauler Notified (if waste not accepted) _____ Phone _____ Time Contacted _____

Other Observations _____
Final Disposition _____

Signed _____ Date _____
Waste Screening Inspector or Solid Waste Superintendent

Attach related correspondence to this form.
File completed form in Operating Record.