



Facility Permit No: 06-03  
Permit to Construct and Operate  
Construction & Demolition Debris Landfill  
Avery County  
August 12, 2010  
Doc ID: 11315  
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North Carolina Department of Environment and Natural Resources  
Division of Waste Management

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

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Secretary

STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WASTE MANAGEMENT  
SOLID WASTE SECTION

**SOLID WASTE MANAGEMENT LANDFILL FACILITY**  
**Permit No. 06-03**

AVERY COUNTY  
is hereby issued a

**PERMIT TO OPERATE**  
CONSTRUCTION & DEMOLITION DEBRIS LANDFILL PHASE 3

Located at 2175 Brushy Creek Road, Spruce Pine, North Carolina in Avery County, in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit. The legal description of the site is identified on the deeds recorded for this property listed in Attachment No. 1 of this permit.

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

## ATTACHMENT 1

### PART I: PERMITTING HISTORY

1. On October 25, 1996 a Permit to Construct/Operate was issued for a Construction and Demolition Debris landfill.
2. On October 16, 2009 an amendment was made to the permit for construction of Phase 3 and continued operation of Phases 1 and 2 for waste mitigation and relocation purposes.
3. On August 12, 2010 a modification was made to the permit for operation of Phase 3.

Permit Type	Date Issued	DIN
Original Permit to Construct/Operate	October 25, 1996	
Permit Amendment	October 16, 2009	8705
<b>Permit Modification</b>	<b>August 12, 2010</b>	<b>11315</b>

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

NO.	DOCUMENT DESCRIPTION	DOCUMENT ID NO.
1.	<i>Trout Stream Buffer Variance Request and 401/404 Nationwide Permit No. 39 Application, Avery County C&amp;D Landfill Expansion.</i> Prepared by: Richardson, Smith, Gardner & Associates. Prepared for: Avery County. September 2008.	5911
2.	<i>Transition Application, Avery County Landfill.</i> Prepared by: Richardson, Smith, Gardner & Associates. Prepared for: Avery County. October 23, 2008.	6095
3.	<i>Waste Relocation and Mitigation Plan, Avery County C&amp;D Landfill.</i> Prepared by: Richardson, Smith, Gardner & Associates. Prepared for: Avery County. October 2008.	6097
4.	<i>Response to Comments-Transition Application.</i> Prepared by: Richardson, Smith, Gardner & Associates. Prepared for: Avery County. January 9, 2009.	6625
5.	<i>Permit To Construct Application, Phase III, Avery County C&amp;D Landfill.</i> Prepared by: Richardson, Smith, Gardner & Associates. Prepared for: Avery County. February 2009.	6894
6.	<i>Letter of Approval with Modifications, Avery County C&amp;D Landfill-Stormwater Management Plan.</i> Prepared by: Starr Silvis. Prepared for: Division of Land Resources, Land Quality Section. June 9, 2009.	7943

7.	<i>Response to Engineering Technical Review, Permit To Construct, Construction and Demolition Landfill Phase III.</i> Prepared by: Richardson, Smith, Gardner & Associates. Prepared for: Avery County. August 7, 2009.	8220
8.	<i>Stormwater Management Plan Modification, Permit To Construct, Avery County C&amp;D Landfill Expansion.</i> Prepared by: Richardson, Smith, Gardner & Associates. Prepared for: Avery County. August 31, 2009.	8557
9.	<i>Operations Manual.</i> Prepared by: Richardson, Smith, Gardner & Associates. Prepared for: Avery County. February 2009.	11333

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

<b>Avery County, N.C. Register of Deeds</b>				
Book	Page	Acreage	Grantee	Parcel No.
266	646	±78.12	Avery County	182100088310
Total Site Acreage: ±78.12 acres				

Notes:

1. Deed book references are from the Avery County Register of Deeds office GIS website (<http://arcims.webgis.net/nc/avery/default.asp>) accessed September, 2009.

**PART IV: GENERAL PERMIT CONDITIONS**

1. This permit is issued by the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section (Section). In accordance with North Carolina Solid Waste Management Rule 15A NCAC 13B .0201(d), a solid waste management facility permit shall have two parts: a Permit to Construct and a Permit to Operate. The Permit to Construct must be implemented in accordance with Attachment 2 of this permit. The Permit to Operate must be implemented in accordance with Attachment 3 of this permit.
2. The persons to whom this permit is issued (“permittee”) are the owners and operators of the solid waste management facility.
3. (Intentionally blank)
4. When this property is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument, a statement that the property has been

used as a sanitary landfill and a reference by book and page to the recordation of the permit.

5. By initiating construction or receiving waste at this facility the permittee shall be considered to have accepted the terms and conditions of this permit.
6. Construction and operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of the Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit; and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition.
7. This permit is issued based on the documents submitted in support of the application for permitting the facility including those identified in Attachment 1, "List of Documents for Approved Plan," and which constitute the approved plan for the facility. Where discrepancies exist, the most recent submittals and the Conditions of Permit shall govern.
8. This permit may be transferred only with the approval of the Section, through the issuance of a new or substantially amended permit in accordance with applicable statutes and rules. In accordance with NCGS 130A-295.2(g) the permittee must notify the Section thirty (30) days prior to any significant change in the identity or business structure of either the owner or the operator, including but not limited to a proposed transfer of ownership of the facility or a change in the parent company of the owner or operator of the facility.
9. The permittee is responsible for obtaining all permits and approvals necessary for the development of this project including approval from appropriate agencies for a General or Individual NPDES Stormwater Discharge Permit. Issuance of this permit does not remove the permittee's responsibilities for compliance with any other local, state or federal rule, regulation or statute.

*- End of Section -*

**ATTACHMENT 2**  
**CONDITIONS OF PERMIT TO CONSTRUCT**

**PART I: GENERAL FACILITY CONDITIONS**

*Not Applicable*

**PART II: MUNICIPAL SOLID WASTE LANDFILL UNIT SPECIFIC CONDITIONS**

*Not Applicable*

**PART III: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL UNIT SPECIFIC CONDITIONS**

*Not Applicable*

**PART IV: LAND CLEARING AND INERT DEBRIS LANDFILL UNIT SPECIFIC CONDITIONS**

*Not Applicable*

**PART V: MISCELLANEOUS SOLID WASTE MANAGEMENT SPECIFIC CONDITIONS**

*Not Applicable*

### ATTACHMENT 3 CONDITIONS OF PERMIT TO OPERATE

#### PART I: GENERAL FACILITY CONDITIONS

1. The Permit to Operate shall expire August 12, 2015. Pursuant to 15A NCAC 13B .0201(g), no later than February 12, 2015, the owner or operator must submit a permit amendment application prepared in accordance with 15A NCAC 13B.0535(b) to the Section for review.
2. All sedimentation and erosion control activities must be conducted in accordance with the Sedimentation Control Act N.C.G.S. 113A-50, et seq., and rules promulgated under 15A NCAC 4.
3. The edge of the waste footprint for all disposal units must be identified and maintained with permanent physical markers.
4. Financial assurance as required by NCGS 130A-295.2 must be continuously maintained for the duration of the facility in accordance with applicable rules and statutes. Closure and Post-Closure cost estimates and financial instruments must be updated annually pursuant to 15A NCAC 13B.0543.
5. Closure or partial closure of any CDLF unit must be in accordance with the Closure Plans described in the approved plans and 15A NCAC 13B.0543. Any revisions to the Closure Plans must be submitted to the Division at least 90 days prior to implementation for approval.

#### Operational Requirements

6. This facility is permitted to receive solid waste generated within Avery County, consistent with the local government waste management plan and with local government approval except where prohibited by the N. C. General Statutes Article 9 of Chapter 130A, and the rules adopted by the Commission for Health Services.
7. The C&D landfill units are permitted to receive the following waste types:
  - a. "Construction or demolition debris" as defined in NCGS 130A-290 (a)(4) means solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris or yard debris.
  - b. "Inert debris" as defined in NCGS 130A-290 (a)(14) means solid waste that consists solely of material such as concrete, brick, concrete block, uncontaminated soil, rock, and gravel.

- c. "Land-clearing debris" as defined in NCGS 130A-290 (a)(15) means solid waste that is generated solely from land-clearing activities, such as stumps and tree trunks.
  - d. "Asphalt" in accordance with NCGS 130-294(m).
8. The facility operator must complete an approved operator training course in compliance with G.S. 130A-309.25.
- a. A responsible individual certified in landfill operations must be on-site during all operating hours of the facility at all times while open for public use to ensure compliance with operational requirements.
  - b. All pertinent landfill-operating personnel must receive training and supervision necessary to properly operate the landfill units in accordance with G.S. 130A-309.25 and addressed by memorandum dated November 29, 2000.
9. The use of different alternative daily cover requires approval, prior to implementation, by the Solid Waste Section. Requests for alternative daily cover approval must include a plan detailing the comprehensive use and a demonstration of the effectiveness of the alternative daily cover. The plan must be developed according to Section guidelines. Plans which are approved by the Section will be incorporated into, and made a part of, the approved documents listed in Attachment 1.
10. The facility must maintain records for all solid waste materials accepted as alternative cover material and used as alternate daily cover. The records must include: the date of receipt, weight of material, general description of the material, identity of the generator and transporter, and county of origin. Such records must be made available to the Solid Waste Section upon request.

#### Monitoring and Reporting Requirements

11. Groundwater, surface water, and landfill gas monitoring locations must be established and monitored as identified in the approved plans.
12. A licensed geologist must be present to supervise installation of groundwater and landfill gas monitoring wells and probes. The location, screen interval, spacing, diameter, depth, seal, cap, clustering and nesting, and other criteria for the wells must be established after consultation with the SWS Hydrogeologist at the time of well installation.
13. Ground water monitoring wells and surface water sampling locations must be sampled for Appendix I constituents at least semi-annually according to the specifications outlined in the approved water quality monitoring plan and the current policies and guidelines of the Section in effect at the time of sampling.

14. Landfill gas monitoring wells must be sampled for explosive gases at least quarterly and according to specifications outlined in 15A NCAC 13B .544(d), entitled “Gas Control Plan”, and current policies and guidelines of the Section in effect at the time of sampling.
15. Reports of the analytical data for each monitoring event must be submitted to the Section within 120 days of the respective sampling event. Analytical data must be submitted in a manner prescribed by the Section. Records of all groundwater, surfacewater, landfill gas, and leachate analytical data must be kept as part of the permanent facility record.
16. A readily accessible unobstructed path must be cleared and maintained so that four-wheel vehicles may access monitoring well locations at all times.
17. A field log book which details all development, sampling, repair, and all other pertinent activities associated with each monitoring well and all sampling activities associated with each groundwater, surfacewater, landfill gas, and leachate sampling location must be kept as part of the permanent facility record.
18. All well construction records and soil boring logs for new wells and probes must be submitted to the Solid Waste Section Hydrogeologist for review within 30 days of completion.
19. Copies of this permit, the approved plans, and all records required to be maintained by the permittee must be maintained at the facility and made available to the Section upon request during normal business hours.
20. The owner or operator must maintain a record of the amount of solid waste received at the landfill unit, compiled on a monthly basis. Scales must be used to weigh the amount of waste received.
21. On or before August 1 annually, the Permittee must submit an annual facility report to the Solid Waste Section, on forms prescribed by the Section.
  - a. The reporting period shall be for the previous year beginning July 1 and ending June 30.
  - b. The annual facility report must list the amount of waste received and landfilled in tons and be compiled:
    - i) On a monthly basis.
    - ii) By county, city or transfer station of origin.
    - iii) By specific waste type.
    - iv) By disposal location within the facility.
    - v) By diversion to alternative management facilities.
  - c. A measurement of volume utilized in the landfill cells must be performed during the second quarter of the calendar year. The date and volumes, in cubic yards, must be included in the report.

- d. The amount of waste, in tons from scale records, disposed in landfill cells from October 8, 1993 through the date of the annual volume survey must be included in the report.
- e. The completed report must be forwarded to the Regional Waste Management Specialist for the facility by the date due on the prescribed annual facility report form.
- f. A copy of the completed report must be forwarded to each county manager for each county from which waste was received at the facility. Documentation that a copy of the report has been forwarded to the county managers must be sent to the Regional Waste Management Specialist by the date due on the prescribed annual facility report form

**PART II: MUNICIPAL SOLID WASTE LANDFILL UNIT SPECIFIC CONDITIONS**

*Not Applicable*

**PART III: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL UNIT SPECIFIC CONDITIONS**

- 22. This permit approves the operation of Phase 3, as well as the onsite environmental management and protection facilities as described in the approved plans.
- 23. This permit is for operational approval of a remaining gross capacity of 96,000 cubic yards. The facility is approved for an average annual disposal rate of approximately 10,000 tons per year (approximately 40 tons per day based on 260 operating days per year) as set forth in Attachment 1, Part II: “List of Documents for the Approved Plan”. The maximum variance should be in accordance with GS 130A-294(b1)(1) and consistent with local government approval.
- 24. The following table lists the details for the landfill units. Gross capacity is defined as the volume of the landfill calculated from the elevation of the initial waste placement through the top of the final cover, including any periodic cover.

MSW Unit	Acres	Gross capacity (cubic yards)	Status
Phase 1	2.95	39,750	Closed
Phase 2	2.06	65,500	Closed
Phase 3, Cell 1	0.84	49,000	Current
Phase 3, Cell 2	0.36	47,000	Current
Phase 3, Cell 3	0.90	27,200	Future
Total	7.11	228,450	

Note: Phase 3, Cell 3 has not been constructed.

25. The following, at a minimum, must not be accepted for disposal at the facility: hazardous waste, yard trash, liquid wastes, regulated medical waste, sharps not properly packaged, PCB waste as defined in 40 CFR 761, and wastes banned from disposal in North Carolina by G.S. 130A-309.10(f).
26. The permittee must not knowingly dispose of any type or form of municipal solid waste that is generated within the boundaries of a unit of local government that by ordinance:
  - a. Prohibits generators or collectors of municipal solid waste from disposing of that type or form of municipal solid waste.
  - b. Requires generators or collectors of municipal solid waste to recycle that type or form of municipal solid waste.
27. Financial assurance as required by state rules and statutes must be continuously maintained for the duration of the facility in accordance with applicable rules and statutes. Closure and Post-Closure cost estimates and financial instruments must be updated annually pursuant to 15A NCAC 13B .1628.
28. Closure or partial closure of any landfill unit must be in accordance with the Closure Plans described in the approved plans. Final Closure Plans must be submitted to the Division at least 90 days prior to implementation.

**PART IV: LAND CLEARING AND INERT DEBRIS LANDFILL UNIT SPECIFIC CONDITIONS**

*Not Applicable*

**PART V: MISCELLANEOUS SOLID WASTE MANAGEMENT SPECIFIC CONDITIONS**

*Not Applicable*

- *End of Permit Conditions* -