



Facility Permit No: 06-03  
Permit to Construct and Operate  
Construction & Demolition Debris Landfill  
Transfer Station  
Avery County  
April 13, 2011  
Doc ID: 13546  
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North Carolina Department of Environment and Natural Resources  
Division of Waste Management

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

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

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

AVERY COUNTY  
is hereby issued a

**PERMIT TO OPERATE**  
CONSTRUCTION & DEMOLITION DEBRIS LANDFILL PHASE 3  
AND TRANSFER FACILITY

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.
4. On April 13, 2011 an amendment was made to the permit for the addition and operation of the Transfer Facility.

Permit Type	Date Issued	DIN
Original Permit to Construct/Operate	October 25, 1996	
Permit Amendment	October 16, 2009	8705
Permit Modification	August 12, 2010	11315
<b>Permit Modification</b>	<b>April 13, 2011</b>	<b>13546</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
10.	<i>Operating Permit Renewal-Response to Comments (revised Operations Manual).</i> Prepared by: Richardson, Smith, Gardner & Associates. Prepared for: Avery County. April 1, 2011	13455

**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 **April 13, 2016**. Pursuant to 15A NCAC 13B .0201(g), no later than **October 13, 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. 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.
5. 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.
6. 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.
7. 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**

8. This facility is permitted to receive solid waste generated within the following counties:  
North Carolina – Avery, Burke, Caldwell, McDowell, Mitchell, Watauga;  
Tennessee – Carter, Johnson, Unicoi;

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. Proposed changes to the service area must be approved by the Section and will constitute a permit modification and be subject to the applicable permitting fee.

9. 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.
10. 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.
11. 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

12. Groundwater, surface water, and landfill gas monitoring locations must be established and monitored as identified in the approved plans.
13. 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.
14. 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.

15. 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.
16. 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, surface water, landfill gas, and leachate analytical data must be kept as part of the permanent facility record.
17. A readily accessible unobstructed path must be cleared and maintained so that four-wheel vehicles may access monitoring well locations at all times.
18. 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, surface water, landfill gas, and leachate sampling location must be kept as part of the permanent facility record.
19. 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.
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	Operational
Phase 3, Cell 2	0.36	47,000	Operational
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 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).

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

*Not Applicable*

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

##### General Conditions

27. Wastes received and product stored shall be maintained in reasonably sized piles with adequate fire breaks and lanes in accordance with the approved operational plans and the pertinent rules.
28. Surface water shall be diverted from all operational and storage areas to prevent standing water in operational areas and under or around storage piles. Water that comes in contact with solid waste shall be contained on-site or properly treated prior to discharge.
29. These areas shall be operated and maintained with sufficient dust control measures to minimize airborne emissions and to prevent dust from becoming a nuisance or safety hazard.
30. These areas shall be operated and maintained in a manner so as to minimize odors, prevent the creation of a nuisance, potential health hazard, or a potential fire hazard.
31. Effective vector control measures shall be applied as necessary to control flies, rodents, insects, or vermin.

##### Operational Conditions – Transfer Facility

32. The facility is permitted to receive solid waste as defined in NCGS 130A -290 (35).

33. The facility must meet the requirements of 15A NCAC 13B.0105. In addition, the following, at a minimum, must not be accepted at the facility; hazardous waste, liquid wastes, regulated medical waste, sharps not properly packaged, regulated-asbestos containing material as defined in 40 CFR 61, PCB waste as defined in 40 CFR 761.
34. The facility must transport waste to one of the following facilities for disposal:
  - a. Bristol Integrated Waste management Facility, Bristol, VA – Permit No. 588,
  - b. Iris Glen Environmental Center, Johnson City, TN – Permit No. SNL-901040262,
  - c. Caldwell County Foothills Landfill, Lenoir, NC – Permit No. 14-03 (*NC originated wastes only*).

Proposed changes to the disposal facility must be approved by the Section and will constitute a permit modification and be subject to the applicable permitting fee.
35. A responsible individual trained and certified in facility operations must be on-site at all times during all operating hours of the facility, in accordance with G.S. 130A-309.25.
36. The permittee must develop, and use, a training and screening program at the facility for detecting and preventing unauthorized wastes from being accepted at the facility. At a minimum, the program must include:
  - a. Random inspections of incoming loads or other comparable procedures.
  - b. Records of all inspections.
  - c. Training of personnel to recognize hazardous, liquid and other excluded waste types.
37. The facility must not cause nuisance conditions.
  - a. The tipping floor and transfer trailer loading area must be maintained in a clean, sanitary condition at all times and must be cleaned at least daily in accordance with the approved Operational Plan.
  - b. Waste must only be deposited on a “tipping floor” or directly into a transfer container. Waste must not be stored on the “tipping floor” after operating hours.
  - c. Waste may be stored on-site, in leak proof transfer trailers, with watertight covers, a maximum of 24 hours except that a minimal amount of waste may be stored for a maximum of 72 hours when the facility is closed during a weekend or holiday. Storage of the waste must not cause any nuisance, such as odor or attraction of vectors.
  - d. Effective vector control measures must be applied at all times to control any potential vectors including flies, rodents, insects, and other vermin.
  - e. Control measures must be utilized to minimize and eliminate visible dust emissions and blowing litter.

- i) Fugitive dust emissions are prohibited.
  - ii) Windblown materials must be collected by the end of the day and no windblown material may be allowed to leave the facility boundary.
- 38. All water that comes in contact with solid waste, including vehicle wash-down water, is leachate and must be captured and properly treated before release to the environment.
  - a. The leachate control system, such as floor drains, leachate collection devices, sanitary sewer connections and leachate storage tanks, must be operational during facility operations.
  - b. The tipping floor must drain away from the building entrance and into the leachate collection system.
- 39. The permittee must maintain a record of the amount of solid waste received at the facility, including daily records of waste received and origins of the loads. Scales must be used to weigh the amount of waste received. The daily records are to be summarized into a monthly report for use in the required annual reports.
- 40. On or before August 1 annually, the Permittee must submit an annual facility report to the Solid Waste Section, on forms prescribed by the Section.
  - a. The reporting period shall be for the previous year beginning July 1 and ending June 30.
  - b. The annual facility report must list the amount of waste received in tons and be compiled:
    - i) On a monthly basis.
    - ii) By county, city or transfer station of origin.
    - iii) By specific waste type.
    - iv) By receiving disposal facility.
    - v) By diversion to alternative management facilities.
  - c. The completed report must be forwarded to the Regional Environmental Specialist for the facility by the date due on the prescribed annual facility report form.
  - d. A copy of the completed report must be forwarded to each county manager for each county from which waste was received the facility. Documentation that a copy of the report has been forwarded to the county managers must be sent to the Regional Environmental Specialist by the date due on the prescribed annual facility report form.

Operational Conditions – White Goods

- 41. The facility is permitted to receive white goods as defined in North Carolina General Statute Article 9, Chapter 130A-290(44).

42. The facility must manage white goods according to the Operation Plan included in Attachment 1, Part II "List of Documents for the Approved Plan". This document is included in the approved plan. Any revisions to the approved plan shall be approved by the North Carolina Division of Waste Management (DWM), Solid Waste Section, prior to implementation.
43. White goods collection areas shall provide for the proper removal of chlorofluorocarbon refrigerants.

Operational Conditions – Scrap Tires

44. The facility is permitted to receive tires and scrap tires as defined in North Carolina General Statute Article 9, Chapter 130A-309.53(6) & (7).
45. Scrap tire collection areas shall be operated in accordance with the requirements of 15A NCAC 13B.1107.
46. The facility must manage tires according to the Operation Plan included in Attachment 1, Part II, "List of Documents for the Approved Plan". This document is included in the approved plan. Any revisions to the approved plan shall be approved by the North Carolina Division of Waste Management (DWM), Solid Waste Section, prior to implementation.

- *End of Permit Conditions* -