



Facility Permit No. 13-04  
BFI Waste Systems of North America  
CMS Landfill V  
Part 2: Permit to Operate  
Doc Id No. 8891  
December 17, 2009  
Page 1 of 11

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

**MUNICIPAL SOLID WASTE FACILITY PERMIT  
PERMIT NO. 13-04**

**BFI WASTE SYSTEMS OF NORTH AMERICA, INC.,**  
a wholly owned subsidiary of Republic Services Inc.  
is hereby issued a

**PERMIT to OPERATE**  
the  
**CHARLOTTE MOTOR SPEEDWAY LANDFILL V**  
Cell 2H

located at Morehead Road, Concord, Cabarrus County, North Carolina, in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit. The facility is located and described by the legal description found in the approved application.

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

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Telephone 919-508-8400 \ Fax 919-733-4810 \ Internet <http://wastenotnc.org>

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## ATTACHMENT 1

### PART I: PERMITTING HISTORY

Permit Type	Date Issued
Original Issue (PTC)	April 1, 1991
Original Issue (PTO)	August 22, 1992
Amendment 1 (Cell B)	September 16, 1993
Permit Renewal (Facility Plan & 2A-2E)	April 25, 1995
Transition Plan Approval (Cell 1A)	May 23, 1996
Amendment 2 (PTC) Vertical Expansion	December 17, 2001
Amendment 3 (PTO) Vertical Expansion/Cell 2L	August 21, 2002
Amendment 4 (PTC) 2F, 2G, & 2H	July 14, 2006
Amendment 5 (PTO) 2F	July 12, 2007
Amendment 6 (PTO) 2G	October 7, 2008
Amendment 7 (PTO) 2H	December 17, 2009

### PART II: List of Documents for the Approved Facility Plan

Documents 1-10 listed in previous permits.

11. *Permit Modification Application, Facility, Engineering and Erosion Control Drawings, and CQA and Operations Plans for the Charlotte Motor Speedway Landfill V, NCDENR Permit No. 1304 Concord, North Carolina.* Prepared by: ESP Associates and Almes & Associates, Inc. Prepared for: BFI Waste Systems of North America, Inc. May 7, 2004. As amended through December 6, 2005, NCDENR hydro comments and responses by ESP Associates Inc., and NCDENR Engineering comments answered by BFI Waste Systems of North America Inc. and ESP Associates Inc. through March 16, 2006.
  - a. Site Suitability Update for BFI Waste Systems of North America, Inc, CMS Landfill V – Lateral Expansion Phase 2 Expansion (Cells 2F, 2G & 2H) and Phases 3, 4, & 5. Prepared by: ESP Associates, P.A. Prepared for: BFI Waste Systems of North America, Inc. May 6, 2004.
  - b. Revised Plans for NCDENR – Division of Solid Waste Management, Hydrogeologic Comments prepared by Almes & Associates, Inc., and ESP Associates, P.A., December 20, 2005.
  - c. Response to Comments prepared by ESP Associates, P.A., November 2005
  - d. Revised Plan Sheets for Application to Construct. Prepared by: ESP Associates, P.A. December 20, 2005.
12. Certified Copy of Franchise Ordinance from Benne C. Hutson of Helms Mulliss Wicker with attached “An Ordinance Renewing A Nonexclusive Franchise to BFI of North America, Inc.” from the City of Concord dated February 10, 2005.

13. *Final Certification Report, Construction Quality Assurance Services, Volumes I and II, Cell 2F Construction, Charlotte Motor Speedway Landfill V.* Prepared for: Allied Waste. Prepared by: ACC of North Carolina, LLC. May 2007. DIN 2853 and 2852.
14. *Final Certification Report, Construction Quality Assurance Services, Cell 2G Construction, Soil Component Construction, Charlotte Motor Speedway Landfill V, Cabarrus County, North Carolina.* Prepared for: Allied Waste. Prepared by: ACC of North Carolina, LLC. July 22, 2008. DIN 6648.
15. *Final Certification Report, Construction Quality Assurance Services, Cell 2G Construction, Geosynthetic Component Construction, Charlotte Motor Speedway Landfill V, Cabarrus County, North Carolina.* Prepared for: Allied Waste. Prepared by: ACC of North Carolina, LLC. August 19, 2008. DIN 5944.
16. CMS Landfill V MSWLF, Permit No. 13-04, Operations Plan Modification for Use of Petroleum Hydrocarbon Contaminated Soils as Alternate Daily Cover, submitted by ERM NC, P.C. on behalf of Republic Services, Inc. dated June 9, 2009. DIN 8584.
17. CMS Landfill Cell 2H Construction, Construction Drawings and Specifications, Addendum No.1, Pre-Construction Meeting Minutes - May 27, 2009 - 06-09. DIN 7792
18. *Final Certification Report, Construction Quality Assurance Services, Cell 2H Construction, Soil Component Construction, Charlotte Motor Speedway Landfill V, Cabarrus County, North Carolina.* Prepared for: BFI Waste Systems of North America Inc. Prepared by: ACC of North Carolina, LLC. August 2009, revised September 30, 2009, DIN 8887.
19. *Final Certification Report, Construction Quality Assurance Services, Cell 2H Construction, Geosynthetic Component Construction, Charlotte Motor Speedway Landfill V, Cabarrus County, North Carolina.* Prepared for: BFI Waste Systems of North America Inc. Prepared by: ACC of North Carolina, LLC. October 22, 2009 and revised December 7, 2009, DIN 8887.
20. "Response to DENR Comments, Charlotte Motor Speedway Landfill V, Cell 2H." Prepared for: BFI Waste Systems of North America Inc. Prepared by ACC of North Carolina, LLC. December 2, 2009. DIN 9003.

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

<b>Cabarrus County, N.C. Register of Deeds</b>				
<b>Book</b>	<b>Page</b>	<b>Grantee</b>	<b>Grantor</b>	<b>Acres</b>
618	204	BFI Waste Systems of North America, Inc.	CMS Development Corp. 5937-00-69-2558	676.25

Cabarrus County Public Registry, as per N.C. General Statutes 130A-301 9, Deed located in Book 3619, Page 151, also Facility boundary as shown and described in Attachment 1, Part II, (15) Drawing FP-1, "Site Property Description."

*- End of Section -*

**PART IV: GENERAL PERMIT CONDITIONS**

1. This permit shall expire July 12, 2012. Pursuant to 15A NCAC 13B .0201(e), no later than January 12, 2012, the permittee must submit an application for amendment or modification to the permit for review to the North Carolina Department of Environment and Natural Resources (Department), Division of Waste Management (Division), Solid Waste Section (Section). The application must be prepared in accordance with 15A NCAC 13B .1600, as applicable.
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 must 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 beginning 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 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. The permit is issued based on the documents submitted in support of the application for permitting the facility identified in Attachment 3, Part I, 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 sedimentation and erosion control, and a General or Individual National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit, if applicable. 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: FACILITY SPECIFIC CONDITIONS**

1. The Permit to Construct issued July 14, 2006, approved the construction of MSW Cells 2F, 2G and 2H and this construction has been completed. Areas identified as future phases, Phases 3 through 5, are deemed suitable for preparation of a permit application in accordance with Solid Waste Rule 15A NCAC 13B .1618(a)(1). The permittee must submit an application for a Permit to Construct in compliance with applicable rules and statutes before commencement of construction in those future areas.

**ATTACHMENT 3**  
**CONDITIONS OF PERMIT TO OPERATE**

**PART I: GENERAL FACILITY CONDITIONS**

1. This landfill is permitted to receive solid waste generated within the City of Concord, Cabarrus County, the State of North Carolina, and the following counties in the State of South Carolina: Cherokee, York, Lancaster, Chesterfield and Chester and serve the associated populations except as may be prohibited by North Carolina General Statutes Article 9 of Chapter 130A and rules adopted by the Commission for Health Services.
2. The franchise issued for this facility by the City of Concord provides for an average annual disposal rate of 120,000 tons per month not to exceed a maximum of 140,000 tons per month.
3. The owner or operator of the landfill facility must not knowingly dispose of any type or form of municipal solid waste 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.

4. The facility operator must complete an approved operator-training course in compliance with G.S. 130A-309.25.
  - c. A responsible individual certified in landfill operations must be on-site during all operating hours of the facility that it is open for public use to ensure compliance with operational requirements.
  - d. 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.
5. 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
6. Permanent physical markers must be maintained to identify the edge of the approved waste footprint. Boundaries must be marked for Phases 1 and 2 (outer boundaries).

#### **Monitoring and Reporting Conditions**

7. Ground water monitoring at this unit must be as prescribed by the appropriate requirements of 15A NCAC 13B .1630-.1637 and the approved monitoring plan. Also, landfill gas monitoring at this unit must be as prescribed by the appropriate requirements of Rule .1626(4) and the approved monitoring plan.
8. A Licensed Geologist must supervise installation of groundwater monitoring wells.
9. Any modification to the approved water quality monitoring, sampling, and analysis plan must be submitted to the Section Hydrogeologist for review.
10. Within 30 days of completed construction of each new groundwater monitoring well, a well construction record (GW-1 form), typical well schematic, boring log, field log and notes, and description of well development activities must be submitted to the Section.
11. A readily accessible unobstructed path must be cleared and maintained so that four-wheel drive vehicles may access monitoring well locations at all times.
12. A field logbook which details all development, sampling, repair, and all other pertinent activities associated with each monitoring well and all sampling activities associated with each surface water and leachate sampling location must be kept as part of the permanent facility record.
13. Records of all ground water, surface water and leachate analytical data must be kept as part of the permanent facility record.

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. Reports of the analytical data for each water quality sampling event must be submitted to the Section within 60 days of the respective sampling event. Analytical data must be submitted in a manner prescribed by the Section.
16. The four independent samples which comprise the initial baseline sampling event must be collected from each ground water monitoring well and the report must be submitted to the Section within six months after issuance of the Permit to Operate.
17. The permittee must provide a plan sheet-sized, scaled topographical map, showing the location and identification of new, existing, and abandoned wells and piezometers after installation of groundwater monitoring wells.
18. Well abandonment records (GW-30 form) for each decommissioned piezometer, boring, and groundwater monitoring well must be certified by a Licensed Geologist and submitted to the Section in accordance with 15A NCAC 2C .0114 (b).
19. Untreated leachate must be sampled and analyzed at least semi-annually concurrently with the ground and surface water sampling. The leachate must be analyzed for all Appendix I constituents, pH, specific conductance, BOD, COD, phosphate, nitrate, and sulfate. Test results must be submitted to the Section along with ground and surface water test results. Additional leachate sampling must be in accordance with the plan approved in Attachment 1, Approved Doc20. 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 Section upon request.

#### **Erosion and Sedimentation Control Requirements**

21. All required sedimentation and erosion control measures must be installed and operable to mitigate excessive on-site erosion and to prevent silt from leaving the area of the landfill unit during the service life of the facility.
22. All earth disturbing activities must be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4) and consistent with any other local, state or federal requirements.

23. Facility construction, operations or practices must not cause or result in a discharge of pollution, dredged material, and/or fill material into waters of the state in violation of the requirements under Sections 402 and 404 of the Clean Water Act, as amended.
24. Modifications to the approved sedimentation and erosion control activities require approval by the North Carolina Land Quality Section. The Section must be notified of any sedimentation and erosion control plan modifications.

*-End of Section-*

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

25. The Permit to Operate for MSW Cell 2H shall expire July 12, 2012. Pursuant to 15ANCAC 13B .0201(g), no later than January 12, 2012, the owner or operator must submit to the Solid Waste Section for review an amendment to the permit prepared in accordance with 15A NCAC 13B .1603(a)(2).
26. The facility is approved for a total gross capacity of approximately 61,531,035 cubic yards including development of the constructed Cell 2H and Phases 3, 4 and 5; and the existing permitted landfill in accordance with the Division approved plans. Franchise and Site Suitability approval is in effect for Phases 3, 4 and 5 for approximately 15,386,000 cubic yards of capacity. However, application for a Permit to Construct is required prior to the initiation of construction activities for those phases.
27. The following table lists the dimensions and details for the cells included in this Phase, which have been constructed. This permit approves operation of Cell 2H consistent with the final contours as shown on Drawing No. FC-7 contained in the "Permit Modification Application" revision date December 2005. Gross capacity is the measured volume between the bottom of waste and the top of final cover.

**PHASE 2, Cells 2F, 2G and 2H**

Cell	Acres	Gross Capacity	Approximate Service Years
		Cubic Yards	
2F	14.0	2,028,000	1.2
2G	14.2	2,223,947	1.5
2H	13.5	1,777,450	1.0
Totals	41.7	6,029,397	3.7

*\*Based on 0.8 tons per cubic yard as presented on page 5, Section 3.0 of the approved Permit Modification application dated May 2004 with approved amendments.*

28. The use of 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 found in Attachment 1.
  - a. The use of automobile shedder fluff mixed with soil, petroleum contaminated soil, tarps and foundry sand as alternate daily cover is approved when used as per the approved demonstration project reports.
29. The facility is permitted to co-dispose of wastewater treatment sludge generated within the facility's approved service area, and subject to the terms and procedures of the approved plan.
30. Closure or partial closure of any MSWLF unit must be in accordance with the Closure Plans described in the approved plans and 15A NCAC 13B .1629. Final Closure Plans must be submitted to the Division at least 90 days prior to implementation. Closure and Post-Closure cost estimates and financial instruments must be updated annually pursuant to 15A NCAC 13B .1628.
31. On or before August 1 annually, the Permittee must submit an annual facility report to the 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 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 MSW 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 MSW waste, in tons from scale records, disposed in landfill cells since December 1, 1998 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.

*-End of Section-*

**Part III Construction and Demolition Debris Unit**

(NOT APPLICABLE)

**Part IV Land Clearing and Inert Debris Unit**

(NOT APPLICABLE)

**Part V Yard Waste Unit**

(NOT APPLICABLE)

**Part VI Miscellaneous Treatment and Processing Unit**

(NOT APPLICABLE) 3

*-End of Section-*