



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

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

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

is hereby issued a

**MODIFICATION to  
PERMIT TO CONSTRUCT**  
the  
**CHARLOTTE MOTOR SPEEDWAY LANDFILL V**  
PHASE 3 – CELLS 2I, 2J, 2K, 2M

Accessed via 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 described by the legal description and of the site or the property survey map contained within the approved application.

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Edward F. Mussler, III, P.E.,  
Permitting Branch Supervisor  
Permitting Branch

## ATTACHMENT 1

### PART I: PERMITTING HISTORY

| Issuance  | Date               | DIN   |
|---|--------------------|-------|
| 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      | 2742  |
| Amendment 6 (PTO) 2G                            | October 7, 2008    | 5940  |
| Amendment 7 (PTO) 2H                            | December 17, 2009  | 8991  |
| Amendment 8 (PTC) 2I, 2J, 2K & 2M               | April 12, 2010     | 8990  |
| Amendment 9 (PTC, Modification) 2I, 2J, 2K & 2M | September 13, 2010 | 11552 |

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

Documents 1-15 are contained in previous (PTC) permits, identified above.

16. *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. dated May 7, 2004. Prepared for: BFI Waste Systems of North America, Inc. The application was 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.
17. *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. dated May 6, 2004. Prepared for: BFI Waste Systems of North America, Inc. Public Hearing 06/16/2006 DIN 2582.
18. *Industrial User Pretreatment Permit No. 1024* issued By: Water & Sewer Authority of Cabarrus County. November 5, 2004, expires on December 31, 2009, revised October 2009.
  19. *Revised Plans for NCDENR – Division of Solid Waste Management, Hydrogeologic Comments prepared by Almes & Associates, Inc. and ESP Associates, P.A.* December 20, 2005.
  20. *Response to Comments Dated February 17, 2005 by ESP Associates. P.A.*
  21. *Revised Plan Sheets for Application to Construct* dated December 20, 2005. Prepared by: ESP Associates, P.A.
  22. *Letter with attachments* dated April 20, 2004 from Robert E. Cansler, Deputy City Attorney for the City of Concord, to NCDENR, that the City voted twice (July 9, 2003 and February 13, 2003) granting a new franchise to BFI-CMS Landfill V. The Public Hearing for the rezoning request to allowing the expansion was held July 10, 2003 and February 14, 2003.
  23. *The Certified Copy of Franchise Ordinance* (Client-Matter No. 4002822.000605) 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, NC. February 10, 2005 to NCDENR.
  24. *Operation Plan Modification for the Use of Petroleum Hydrocarbon Contaminated Soils as Alternate Daily Cover*, Prepared by ERM NC, P.C. Prepared for: Charlotte Motor Speedway Landfill V MSWLF. Permit No. 13-04. June 9, 2009. DIN 8585.
  25. *Design Hydrogeologic Report, CMS Landfill V – Phase 3, (Cells 2I – 2K and 2M)*. Prepared for BFI Waste Systems of North America, Inc. Prepared by David Garrett and Associates Engineering and Geology. August 2008, revised May 2009 and September 2009. DIN 7999
  26. *Supplement to Design Hydrogeologic Report, Landfill Gas Monitoring Plan, CMS-V MSWLF Facility Phase 3 (PTC Application)*. Prepared for: BFI Waste Systems of North America, Inc. Prepared by: David Garrett and Associates Engineering and Geology. July 13, 2009. DIN 7998
  27. *Permit Application for Phase 3, Permit to Construct, Charlotte Motor Speedway Landfill V*. Volumes 1 and 2. Prepared for Republic Services of South Carolina, LLC. Prepared by Hodges, Harbin, Newberry and Tribble, Inc. May 2009, revised October 2009 and January 5, 2010. DIN 8990 and 9475.

28. *Proposed Modification (Permit Modification) to the Permit Application, for Phase 3 Permit to Construct, Charlotte Motor Speedway V Landfill Phase 3. Permit No.1304.* Prepared for Republic Services, Inc. Prepared by SCS Engineering, PC. Dated August 6, 2010. DIN 11550.

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

| Grantor               | Deed Book | Page No. | Acreage | Grantee                                  |
|-----------------------|-----------|----------|---------|--|
| CMS Development Corp. | 2218      | 291      | 676.25  | BFI Waste Systems of North America, Inc. |
| Evelyn H. Furr        | 4328      | 353      | 21.44   | BFI Waste Systems of North America, Inc. |

*\*The Complied Plat for BFI Waste Systems of North America, Inc.* by Thomas J. Fields, PLS 2906, dated December 2009. The information used was in Deed book 618 Page 204 and the drawing (Attachment I Part II) “of formerly a portion of the Evelyn H. Furr property” (Deed Book 394 Page 402) by ESP Associates, P.A. dated 4/19/2002.

**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 shall expire April 12, 2015. The Permit to Construct must be implemented in accordance with Attachment 2 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 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 Municipal Solid Waste Landfill (MSWLF) 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 shall 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. If 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 identified in Attachment 1, Part II "List of Documents for Approved Plan," which constitutes the approved plan for the facility. Where discrepancies exist, the most recent submittals and the Conditions of Permit shall govern.
8. The 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: MUNICIPAL SOLID WASTE LANDFILL UNIT SPECIFIC CONDITIONS**

- Pursuant to the NC Solid Waste Management Rules (Rules) 15A NCAC 13B .0201 (c) and (d)(1), this permit approves construction for Phase 3 of the landfill, consisting of approximately 54.25 acres with a projected operating capacity of 9,068,000 cubic yards of airspace.

| <u>Phase</u>            | <u>Cell</u> | <u>Acres</u> | <u>Gross Capacity<br/>(cubic yards)</u> |
|-------------------------|-------------|--------------|---|
| 2                       | 2F          | 14.0         | 2,028,000                               |
| 2                       | 2G          | 14.2         | 2,223,947                               |
| 2                       | 2H          | 13.5         | 1,777,450                               |
| <b>Total Ph. 2 Exp.</b> |             | 41.7         | 6,029,397                               |
| 3                       | 2I          | 16.27        | 2,319,470                               |
| 3                       | 2J          | 15.87        | 2,582,733                               |
| 3                       | 2K          | 15.46        | 2,287,700                               |
| 3                       | 2M          | 6.65         | 1,185,494                               |
| <b>Total Ph. 3</b>      |             | 54.25        | 8,375,397                               |
| <b>Phase 4</b>          |             | 6.80         | 3,275,000                               |
| <b>Phase 5</b>          |             | 19.0         | 3,836,000                               |

- The initial, substantial, construction authorized by this Permit to Construct must commence within 18 months from the issuance date of this permit. If substantial construction does not begin within 18 months from the issuance date of this permit, then the permit to construct shall expire. Substantial construction includes, but is not limited to, issuance of construction contracts, mobilization of equipment on site, and construction activities including installation of sedimentation and erosion control structures. The permittee may reapply for the Permit to Construct prior to the expiration date. The re-application will be subject to the statutes and rules in effect on that date and may be subject to additional fees.
- Construction of all solid waste management units within this facility must be in accordance with NCGS 130A-295.8(b)(2) and the pertinent approved plans for those phases of development as described in Attachment I, Part II, List of Documents for the Approved Plan.

4. The permittee must conduct a preconstruction meeting at the facility prior to initiating construction of any unit/cell and must notify the Section at least 10 days prior to the meeting.
5. Modifications or revisions of the approved documents or changes during construction of any landfill unit/cell require approval by the Section, and may constitute a permit modification and be subject to a permitting fee.
6. The following conditions must be met prior to operation of Phase 3-Cells 2I, 2J, K and 2M and subsequent phases:
  - a. The Permittee must obtain a Permit to Operate for the phase from the Section in accordance with 15A NCAC 13B .0201(d)(2).
  - b. Construction Quality Assurance (CQA) documentation and a certification by the project engineer that the landfill was built in accordance with approved plans and the conditions of the permit must be submitted to the Section for review and approval.
  - c. The Permittee must contact the appropriate regional environmental specialist and permitting engineer to determine whether the Section chooses to hold a pre-operative meeting with key landfill personnel and representatives of the Section.
7. The leachate collection system must be maintained in accordance with 15A NCAC 13B .1626(12)(a). The permittee shall have a plan detailing the maintenance of the system. The plan shall include provisions for periodic cleaning and visual inspection. Documentation of the inspections, and cleaning and monitoring must be included in the operating records of the facility and provided to the Section upon request.
8. Pursuant to the NC Solid Waste Management Rule (Rule) 15A NCAC 13B .1626(5) burning of land-clearing debris generated on-site, as a result of construction activities, requires approval by the Section prior to initiating the burn. In addition, the Division of Air Quality and local fire department must approve the activity prior to burning.

#### **Geologic, Ground Water and Monitoring Requirements**

9. Prior to issuing the Permit to Operate, samples from new ground water monitoring wells and surface water stations must be sampled for the Appendix I constituent list.
10. Prior to construction of the phase or cell(s) within the phase, all piezometers, borings, and groundwater monitoring wells within the footprint must be properly abandoned in accordance with 15A NCAC 2C .0113 (d), entitled "Abandonment of Wells."

11. In areas where soil is to be undercut, abandoned piezometers, monitoring wells and borings must not be grouted to pregrade land surface, but to the proposed base grade surface to prevent having to cut excess grout and possibly damage the wells.
12. A Licensed Geologist must report any pertinent geological feature(s) exposed during phase or cell excavation. Prior to placing any landfill liner, the geologist must submit to the Section hydrogeologist a written report that includes an accurate description of the exposed geological feature(s) and effect of the geological feature(s) on the design, construction, and operation of the cell, phase, or unit.
13. A Licensed Geologist must supervise installation of groundwater monitoring wells and surface water sampling stations.
14. Any modification to the approved water quality monitoring, sampling, and analysis plan must be submitted to the Section Hydrogeologist for review.
15. 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. Each monitoring well and gas probe must be surveyed for location and elevation.
16. The permittee must submit to the Section 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.
17. Within thirty (30) days of the completed permanent abandonment of a groundwater monitoring well, the well abandonment record (GW-30 form) and any additional information included in the abandonment record must be submitted to the Section. The well abandonment records must be submitted to the Section consistent with 15A NCAC 2C .0114(b) and be certified by a Licensed Geologist.
18. All forms, reports, maps, plans, and data submitted to the Section must include an electronic copy.

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

19. 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.

20. 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.
21. 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 401 and 404 of the Clean Water Act, as amended.
22. 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 modification

### **Post-closure Requirements**

22. The permittee must maintain the integrity and effectiveness of the cap system, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and prevent surface water from impounding over waste and run-on and run-off from eroding or otherwise damaging the cap system. In addition, a vegetative cover of native grasses must be maintained and mowed regularly.
23. Post-closure use of the property is subject to review and approval by the Division and must not disturb the integrity of the cap system, or the function of the monitoring systems. The Division may approve any other disturbance if the owner or operator demonstrates that disturbance of the cap system, including any removal of waste, will not increase the potential threat to human health or the environment.
24. The permittee must maintain a record of all monitoring events and analytical data. Reports of the sampling events and analytical data must be submitted to the Section in a timely manner.
25. Any proposed expansion to the closed landfill units will be considered a new landfill for purposes of Solid Waste Management permitting.

*- End of Section -*

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

Not applicable

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

Not applicable

**PART V: YARD WASTE UNIT SPECIFIC CONDITIONS**

Not applicable

**PART VI: MISCELLANEOUS TREATMENT AND PROCESSING UNIT SPECIFIC  
CONDITIONS**

Not applicable

*- End of Permit Conditions -*