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-MSWLF-1992

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
PHASE 3 - CELL 2I

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 legal description of the site is identified on the deeds recorded for this property listed in Attachment No. 1 of this permit.

cn=Edward F. Mussler III P. E., o=Division of Waste Mngt, ou=Solid Waste Section, email=ed. mussler@ncdenr.gov, c=US
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Edward F. Mussler, III, P.E.,
Permitting Branch Supervisor
Solid Waste Section

ATTACHMENT 1

PART I: PERMITTING HISTORY

Permit Type	Date Issued	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 No. 1) Phase 3, Cells 2I, 2J, 2K & 2M	September 13, 2010	11552
Amendment 10 (PTC, Modification No. 2) Phase 3, Cells 2I, 2J, 2K & 2M	November 12, 2010	12150
Amendment 11 (PTO) 2I	May 4, 2011	13308

PART II: LIST OF DOCUMENTS FOR THE APPROVED 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.

21. *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.

22. *Proposed Modification (Permit Modification No. 1) 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.

23. *Variance Request for Landfill Bottom Liner System Protective Cover Minimum Permeability Requirements.* Permit Modification to Phase 3 Permit to Construct, Charlotte Motor Speedway V Landfill. Permit No.1304 Phase 3, Cells 2I, 2J, 2K, and 2M Construction. Prepared by SCS Engineering, PC. Dated October 1, 2010.

24. *Operation Plan for the Leachate Collection System Cleaning, Inspection and Record Keeping for Phase 3.* 13-04 CMS Landfill V Permit Modification. Prepared by SCS Engineers, P.C. Dated November 5, 2010. DIN 12144.

25. *Final Certification Report, Construction Quality Assurance Services, Cell 2I Construction, Charlotte Motor Speedway Landfill V, Cabarrus County, North Carolina*. Volume I and II. Prepared for: BFI Waste Systems of North America Inc. Prepared by: ACC of North Carolina, LLC. February 14, 2011 and revised through April 27, 2011. DIN 13309, 13336, 13724, 13725..

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 94 Page 402) by ESP Associates, P.A. dated 4/19/2002.

- End of Section –

PART IV: GENERAL PERMIT CONDITIONS

1. This permit is issued by the North Carolina Department of Environmental 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 shall expire May 4, 2016. 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 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 was issued November 12, 2010, approving the construction of Phase 3, MSW Cells 2I, 2J, 2K and 2M. Areas identified as future phases, Phases 4 and 5, were 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.

2. Pursuant to 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.

- End of Section -

ATTACHMENT 3
CONDITIONS OF PERMIT TO OPERATE

PART I: GENERAL FACILITY CONDITIONS

1. The Permit to Operate shall expire May 5, 2016. Pursuant to 15A NCAC 13B .0201(g), no later than October 5, 2015, the owner or operator must submit a request to the Section for permit review prepared in accordance with Section .1603(a)(2) or (3) as applicable, and must update pertinent facility plans including, but not limited to, the facility operation and waste screening plans.

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 with permanent physical markers.

4. 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.

5. 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. Closure and Post-Closure cost estimates and financial instruments must be updated annually pursuant to 15A NCAC 13B .1628.

Operational Requirements

6. This facility 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.

7. 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.

8. The owner or operator of the landfill facility 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.

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 that it is 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.

    a. The use of a automobile shedder fluff mixed with soil, petroleum contaminated soil, tarps and foundry sand, as an alternate daily cover is approved and subject to the terms and conditions of operation as set forth in the plan.

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 Conditions

12. Ground water monitoring must be as prescribed by the appropriate requirements of 15A NCAC 13B .1630-.1637 and the approved monitoring plan. In addition, landfill gas monitoring at this unit must be as prescribed by the appropriate requirements of Rule .1626(4) and the approved monitoring plan.

13. A Licensed Geologist must supervise installation of groundwater monitoring wells. The exact locations, screened intervals, and nesting of the wells must be established after consultation with the Section Hydrogeologist at the time of well installation.

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.

16. A readily accessible unobstructed path must be cleared and maintained so that four-wheel drive vehicles may access monitoring well locations at all times.

17. 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.

18. Landfill gas monitoring reports must be added to the facility's operating record within 7 days of the monitoring event, and must include a description of the monitoring method used, the sampling results of each probe and onsite buildings in percent of the lower explosive limit (LEL), date of monitoring, weather conditions, calibration report, and signature of the sampling personnel.

19. Copies of this permit, the approved plans and all records required by the permittee must be maintained at the facility as part of the permanent record and available to the Section upon request during normal business hours.

20. 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. Methane monitoring must be conducted quarterly, unless otherwise specified by the Section.

21. Reports of the analytical data for each water quality sampling event must be submitted to the Section within 120 days of the respective sampling event. Analytical data must be submitted in an electronic portable document format (pdf) and in a spreadsheet format in an Electronic Data Deliverable (EDD) Template.

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22. 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.

23. 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. Each monitoring well and gas probe must be surveyed for location and elevation. Each groundwater monitoring well must have an identification plate permanently attached to the well, in accordance with 15A NCAC 2C .0108(o).

24. 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).

25. 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. In the event leachate is recirculated, additional leachate sampling may be required.

26. All accessible leachate lines at the facility must be camera-inspected and cleaned as per the approved Operation Plan or earlier if an abnormal reduction in leachate production is observed. Any blockages encountered must be repaired and reported to the Section. Following any blockages, the frequency of camera inspection and cleaning is yearly. Leachate lines in areas of new construction must be cleaned and

camera-inspected after construction is complete and the documentation submitted to the section as part of the CQA report. The initial camera inspection and cleaning of all accessible leachate lines at the facility must be performed, and a report submitted to the Section. Documentation of all subsequent camera-inspections and cleaning must be added to the facility operating record and made available to the Section upon request.

27. All forms, reports, maps, plans, and data submitted to the Section must include an electronic (pdf) copy.

Erosion and Sedimentation Control Requirements

28. 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.

29. All earth disturbing activities must be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15A NCAC 4) and consistent with any other local, state or federal requirements.

30. 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.

31. 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

32. The facility is approved for a total gross capacity of approximately 46,331,035 cubic yards in accordance with the Division approved plans. Franchise and Site Suitability approval is in effect for all of Phases 3, 4 and 5 (approximately 15,486,000 cubic yards of capacity). However, an application for a Permit to Construct is required for Phases 4 and 5 prior to the initiation of construction activities for those phases.

33. The following table lists the details for the cells included in Phases 2-5. This permit approves operation of Cell 2I consistent with the Documents included in Attachment 1, Part II. Gross capacity is the measured volume between the bottom of waste and the top of final cover.

Phase	Cell	Acres	Gross Capacity (cubic yards)	Status
2	2F	14.0	2,028,000	Operational
2	2G	14.2	2,223,947	Operational
2	2H	13.5	1,777,450	Operational
Total Ph. 2		41.7	6,029,397	
3	**2I**	16.27	2,319,470	Constructed & Approved
3	2J	15.87	2,582,733	Not Constructed
3	2K	15.46	2,287,700	Not Constructed
3	2M	6.65	1,185,494	Not Constructed
Total Ph. 3		54.25	8,375,397	
Total Phase 4		6.80	3,275,000	Future
Total Phase 5		19.0	3,836,000	Future

34. 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.

35. 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.

36. 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 March 6, 1992 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.

37. The proper removal of geotextile covering the gravel column, occurring with the progression of fill, shall be documented by the facility's trained landfill operator, or

other person approved by the Section and the documentation shall be placed in the facility's operating record.

Post-closure Requirements

38. 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.

39. 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.

40. 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.

41. Any proposed expansion to the closed landfill units will be considered a new landfill for purposes of Solid Waste Management permitting.

-End of Section-