

APR 12 2010

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INST. # 04034

DONNA HICKS SPENCER,
Register of Deeds

Bk 03016 Pg 1543-1551

Permit No.	Date	Document ID No.
18-12	April 13, 2010	10346

Landfill Recordation

NOTE: THE SPACE ABOVE IS FOR THE REGISTER OF DEEDS USE

THIS PAGE IS PROVIDED FOR RECORDATION PURPOSES. THE ENTIRE DOCUMENT, INCLUDING THIS PAGE, SHOULD BE RECORDED IN THE GRANTOR INDEX UNDER THE NAME OF THE LANDOWNER FOR THE PARCEL OF PROPERTY LOCATED IN CATAWBA COUNTY AND SAID PROPERTY BEING OWNED BY DUKE ENERGY AND FURTHER IDENTIFIED BY THE DEED RECORDED AS IDENTIFIED:

Landfill Property located and described in the Catawba County Registry: All of that certain 1370 +/- acres recorded in Book 02954 Page(s) 0421-0428, owned by Duke Energy Carolinas, LLC.

THE PURPOSE OF THIS RECORDATION IS TO NOTIFY FUTURE BUYERS OF SAID PROPERTY THAT A LANDFILL EXISTS ON THE PROPERTY.

I do hereby certify that the attached PERMIT TO CONSTRUCT is an exact and true original of PERMIT NUMBER 18-12 for the Duke Energy Marshall Steam Station, Industrial Landfill No. 1.

1544



Larry Frost, Environmental Engineer
Asheville Regional Office
Solid Waste Section
Division of Waste Management

North Carolina

Buncombe County

I, Carol C. Lagace, Notary Public for Buncombe County,

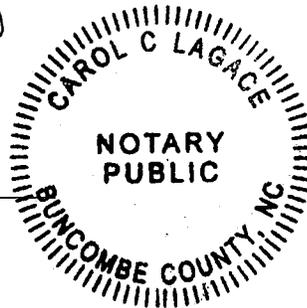
North Carolina, do hereby certify that Larry Frost, Permitting Engineer of the Permitting Branch, Solid Waste Section, Division of Waste Management, NCDENR, personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal,

This the 25th day of February, 2010.

OFFICIAL SEAL

Carol Lagace
NOTARY PUBLIC



My commission expires January 3, 2015.

Note to Register of Deeds: This certified original permit shall be recorded by the Register of Deeds and indexed in the grantor index under the name of the land owner. The certified original affixed with the Register's seal and the date, book, and page number of recording shall be returned to Larry Frost, Environmental Engineer, Division of Waste Management, Solid Waste Section, 2010 US Highway 70, Asheville, NC 2778.

✓



Facility Permit No: 18-12
Permit to Construct
Marshall Industrial Landfill No.1
February 25, 2010
DIN: 9571
Page 1 of 7

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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

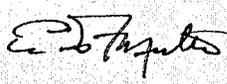
INDUSTRIAL SOLID WASTE LANDFILL FACILITY
Permit No. 18-12

DUKE ENERGY – MARSHALL STEAM STATION

is hereby issued a

PERMIT TO CONSTRUCT
INDUSTRIAL LANDFILL NO.1

Located off of North Carolina Highway 150, NCSR 1848 (Sherrill's Ford Road), and NCSR 1838 (Island Point Road), Terrell, Catawba 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.


DN: cn=Edward F. Mussler
III, P.E., o=Solid Waste
Section, ou=Permitting
Branch, email=ed.
mussler@ncdenr.gov, c=US
Reason: I am approving
this document
Date: 2010.02.25 13:31:13
-05'00'

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

ATTACHMENT 1

PART I: PERMITTING HISTORY

1. Site Suitability approved June 6, 2009, DIN 7504.
2. Permit to Construct Phase 1 issued February 25, 2010. DIN 9571.

Permit Type	Date Issued
Permit to Construct Phase 1	February 25, 2010

PART II: LIST OF DOCUMENTS FOR THE APPROVED PLAN

Industrial Solid Waste Landfill

1. *Marshall Steam Station Industrial Landfill #1, Landfill Permit Application Revised Site Suitability Study, Volume 1 (DIN 7384) and Volume 2 (DIN 7385), Duke Energy Marshall Steam Station, Terrell, Catawba County, North Carolina, S&ME Project No. 1356-08-122.* Prepared for Duke. Prepared by S&ME. May 2009.
2. *Permit to Construct Application – Industrial Landfill No. 1, Electronic Version, Duke Energy – Marshall Steam Station, Terrell, North Carolina.* Prepared for Duke. Prepared by S&ME. November 2009. DIN 8968.
3. *Marshall Steam Plant, Duke Energy Corporation, Phase 1 Proposed Landfill, Catawba County.* Letter prepared by Steven M. McEvoy, P.E., State Dam Safety Engineer, Land Quality Section. January 2010. DIN 9500.
4. *Permit to Construct Application, Operations Plan, Industrial Landfill No. 1, Marshall Steam Station, Terrell, North Carolina, S&ME Project No. 1356-08-122.* Prepared for Duke. Prepared by S&ME. November 2009. Revised February 2010. DIN 9546.

PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Catawba County, N.C. Register of Deeds				
Book	Page	Grantor	Grantee	Total Site Acreage
02954	0421-0428	Combined Deed	Duke Energy Carolinas, LLC	1370±

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.
2. The persons to whom this permit is issued ("permittee") are the owners and operators of the solid waste management facility.
3. The permit shall not be effective until the certified copy of this permit which shows current ownership and references legal descriptions for all land within the solid waste management facility boundary is recorded in the Register of Deeds office and indexed in the grantor index under the name of the owner of the land in the county or counties in which the land is located. The certified copy of the permit affixed with the Register's seal and the date, book, and page number of recording must be returned to the Section within 30 calendar days of issuance of this permit. If the Section does not receive the certified copy of the recorded permit within 30 calendar days of issuance of the permit, then and in that event, the permit is suspended and of no effect until the date the Section receives the certified copy of the recorded permit.
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 beginning construction or receiving waste at this facility, the permittee shall be considered to have accepted the terms and conditions of this permit.

6. 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

1. This permit approves construction for Marshall Industrial Landfill No.1, Phase 1 and was issued on February 25, 2010 and the permit shall expire February 25, 2015. Pursuant to the NC Solid Waste Management Rules (Rule) 15A NCAC 13B .0201(c) and (d)(1).

2. 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.
3. Construction of all solid waste management units within this facility must be in accordance with the pertinent approved plans and only for those phases of development approved for construction 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 the Phase 1:
 - a. The Permittee must obtain a Permit to Operate for Phase 1 from the Section in accordance with 15A NCAC 13B .0201(d).
 - b. Construction Quality Assurance (CQA) documentation as well as 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.
 - d. The edge of the waste footprint must be identified with permanent physical markers.

Erosion and Sedimentation Control Requirements

7. 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.
8. 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.
9. 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.
10. 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.

PART II: INDUSTRIAL SOLID WASTE LANDFILL UNIT SPECIFIC CONDITIONS

11. Pursuant to the NC Solid Waste Management Rules (Rule) 15A NCAC 13B .0201(c) and (d)(1), this permit approves construction for the Marshall Industrial Landfill No. 1, Phase 1 – Cells 1, 2, 3 and 4.

Marshall Industrial Landfill No. 1 Waste Capacity			
	Waste Capacity (cubic yards)	Area (acres)	Lifetime (years)
Phase 1 – Cells 1, 2, 3 and 4	3,829,020	35.5	5.2
Phase 2 – Cells 5 and 6	3,552,181	17.7	4.8
Phase 3 – Cells 7 and 8	3,910,718	16.6	5.3
Phase 4 – Cells 9 and 10	3,181,038	14.6	4.3
Phase 5 – Cells 11, 12 and 13	3,455,584	18.6	4.7
Total	17,928,541	103.0	24.3

- End of Section -

ATTACHMENT 3
CONDITIONS OF OPERATING PERMIT

PART I: GENERAL FACILITY CONDITIONS

Not applicable

PART II: INDUSTRIAL SOLID WASTE LANDFILL UNIT SPECIFIC CONDITIONS

Not applicable

-End of Conditions-



DONNA HICKS SPENCER
 REGISTER OF DEEDS
 PO BOX 65
 NEWTON NC 28658



UNITED STATES POSTAGE
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LARRY FROST, ENGINEER
 DIVISION OF WASTE MANAGEMENT,
 SOLID WASTE SECTION
 2010 US HWY 70
 ASHEVILLE, NC 28801

1A

28658006565

