2705Permit2005 - Batch No.___

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North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director | Division of Waste Management | Michael F. Easley, Governor
William G. Ross Jr., Secretary

July 22, 2005

Mr. & Mrs. H.D. Newbern III, Landowners
P.O. Box 277
Powells Point, North Carolina 27966
and
Mr. Horatio D.(Racy) Newbern IV, President
Soundside Recycling & Materials, Inc.
P.O. Box 176
Aydlett, North Carolina 27916

Subject: Soundside Recycling & Materials, Inc. C&D Facility
Permit # **27-05**
Powells Point, Currituck County, North Carolina
Modification #6: Operation time extended by Currituck County to 12/05/05..

Dear Mr. Newbern:

Enclosed is a amended Permit to Operate for the referenced solid waste management facility and the amended conditions for the above referenced facility. This modification addresses the extension of time give to Soundside to operate the recycling facility until 5 December 2005.

Please review the conditions of the permit carefully and if you have any questions or comments please contact Jim Barber at (919) 508-8495 or contact Chuck Boyette at (252) 948-3913.

Sincerely,

Jim Barber
Permitting Branch Supervisor
Solid Waste Section
cc: John Crowder
Chuck Boyette
[redacted]

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone: 919-508-8400 \ FAX: 919-733-4810 \ Internet http://wastenotnc.org
An Equal Opportunity / Affirmative Action Employer – Printed on Dual Purpose Recycled Paper

FACILITY PERMIT NO:	27-05
ORIGINAL DATE ISSUED(PTC):	07/27/2000
ORIGINAL DATE ISSUED(PTO):	11/09/2000
DATE OF MODIFICATION #5(PTO):	07/10/2002
DATE OF MODIFICATION #6(PTO):	07/22/2005

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WASTE MANAGEMENT

1646 MAIL SERVICE CENTER; RALEIGH, N.C. 27699-1646

SOLID WASTE PERMIT

Mr. & Mrs. H.D. NEWBERN III (Landowners)
AND
SOUNDSIDE RECYCLING & MATERIALS, INC.(operator)

are hereby issued a PERMIT TO OPERATE a

SOLID WASTE MANAGEMENT FACILITY

for

CONSTRUCTION WASTE AND DEMOLITION WASTE SHINGLES

located at 7576 Caratoke Highway, Poplar Branch Township in Powells Point , Currituck 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 construction plan submitted and the permit application narrative.

Donald J. Barber
Permitting Branch Supervisor
Solid Waste Section
Division of Waste Management

PERMIT NUMBER:	27-05
ORIGINAL DATE ISSUED(PTC):	July 24, 2000
ORIGINAL DATE ISSUED(PTO):	November 9, 2000
MODIFICATION #6 DATED(PTO):	July 22, 2005
FACILITY NAME:	SOUNDSIDE RECYCLING & MATERIALS, INC. C&D FACILITY. POWELLS POINT, CURRITUCK COUNTY, N.C.

CONSTRUCTION WASTE MATERIALS RECOVERY FACILITY
CONDITIONS OF PERMIT

1. This Permit to Operate is issued for a period not to exceed 5 December 2005, the time frame outlined by condition (3) in the "Special Use Permit" issued by Currituck County dated 13 June 2000 and amended by Letter dated 13 June 2005 from Currituck County. This permit is for the construction and operation of the Construction Waste Materials Recovery Facility and Demolition Waste Shingle transfer area as described in the approved plans and documents.

2. This facility shall be maintained and operated in accordance with all applicable Solid Waste Management rules, the approved operations plan prepared by Soundside Recycling & Materials, Inc(SRMI) and the Special Use Permit dated 16 June 2000 from the County of Currituck(enclosed and incorporated as part of this permit). Amendments or revisions to the Solid Waste Management Rules or violation of groundwater standards may necessitate the modification of the construction and operation plans or closure of this facility prior to this date. The operating and permit conditions are subject to revision at any time in the event that conditions arise which threaten the environment or public health, or that have the potential to threaten the environment or public health or as required by changes to the Special Use Permit issued by the County of Currituck.

3. Site preparation shall be in accordance with and maintained consistent with the approved site plan. The following requirements shall be met prior to and after receiving a "PERMIT TO OPERATE" from the Solid Waste Section:
   a. Site inspection shall be made by representatives of the Solid Waste Section. By accepting this permit, the applicant allows the Solid Waste Section access to the site. Along with site access, the applicant grants the Solid Waste Section the ability to take photographs for documentation and enforcement purposes to insure compliance with Solid Waste Rules, operations plan and the Permit to Operate.
   b. A revised site plan and/or revised operations plan shall be submitted if any changes are made to the facility during construction and during operations, that differ greatly from the approved application.
   c. The permit number and the words "NO HAZARDOUS OR LIQUID WASTES ACCEPTED" shall be posted on an entrance sign with the phone number of the emergency contact.

3. d. Storage area(s) for incoming construction waste and recovered materials shall be clearly identified at the site, consistent with Special Use Permit condition (4) - (3) on page 1.

4. The site shall be adequately secured by means of gates, chains, berms, fences, etc., to prevent unauthorized entry except when an operator is on duty. A sign shall be posted at the entrance to the facility containing the facility name, contact name and number, hours of operation, and permit number. An attendant shall be on duty at the site at all times while it is open for public use to assure compliance with operation requirements and to prevent entry of hazardous waste, demolition waste, municipal solid waste(MSW) and other unacceptable waste onto the site.

5. All earth-disturbing activities will be conducted in accordance with all applicable federal, state, and local requirements. Adequate erosion control measures shall be practiced to prevent silt from leaving the site in accordance with the Sedimentation Control Act, 15A NCAC 4. Temporary seeding shall be utilized as necessary to control erosion. If necessary, to prevent erosion, seeded slopes shall be covered with straw or similar material.

6. Water that comes in contact with construction waste materials or recovered materials(as listed on page 1 of the operations plan) shall be managed on-site to prevent contravention of surface or ground water standards. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L. Stormwater shall be managed in accordance with the approved plans.

7. Recovered materials shall be placed a minimum of two (2) feet above the seasonal high water table, if stored on the ground. The materials that are to be recovered and can be stored at this facility at this time are listed on page 1 of the approved operations plan. It is the Solid Waste Sections preference that recovered materials be placed in containers, if possible for storage prior to shipment off-site.

8. No materials will be tipped, stored, or stockpiled in standing water. Surface water shall be diverted from the operational area and not allowed to be impounded over or around waste or recovered materials.

9. Effective vector control measures shall be applied to control flies, rodents, insects, vermin, and any other potential vectors.

10. Dust and odor control measures shall be utilized to minimize emissions.

11. Open burning of solid waste is prohibited.

12. Equipment shall be provided to control accidental fires or arrangements shall be made with the local fire protection agency to immediately provide fire-fighting services when needed. All employees shall be trained in fire prevention and emergency action procedures.

13. Fires and non-conforming waste incidents shall be reported to the Regional Waste Management Specialist within twenty-four (24) hours followed by a written notification to be submitted within fifteen (15) days.

14. The Materials Recovery Facility is permitted to receive:

a. "Construction" waste materials, as defined for this facility; waste or debris resulting solely from construction, remodeling, repair, of pavement, buildings and structures.
b. "Demolition Inert Debris" waste as defined for this facility in 15A NCAC 13B .0562(1); non-painted concrete, non-painted concrete block, non-painted brick, and uncontaminated earth.
c. "Used asphalt" as provided for under N.C.G.S. §130A-309(b); used asphalt or used asphalt mixed with dirt, gravel, rock, and concrete.

15. Construction waste shall be screened in accordance with the approved waste screening plan for detection and rejection of materials that are not suitable for recovery at this facility or that may pose a threat or potential threat to public health and safety, worker safety, or the environment.

16. Personnel at this facility shall receive training necessary to carry out the waste screening program. Adequate documentation of the waste screening program, including inspection sheets, employee training records, and contingency plans shall be maintained at the facility as part of the operating record.

17. Paint and similar liquid waste materials shall be managed and stored on site in a manner to prevent release to the environment and removed from the site for disposal in an approved facility in a timely manner.

18. Unacceptable waste and non-processible waste shall be placed in containers as soon as possible and shall not remain on the tipping floor/picking area after operating hours. The unacceptable waste and non-processible waste shall be managed in accordance with Solid Waste Management Rules and the approved operations plan and disposed of at East Carolina Environmental Inc.(Permit # 08-03), Windsor, Bertie County, North Carolina thru the County of Currituck Transfer Station, the Middle Peninsula Landfill and Recycling in Glenns, Virginia as described in the operations plan on page 2 or the John C. Holland Enterprises site (State of Va. Permit #280) located in Suffolk, Va.

19. Records shall be maintained for the amount of material received, materials processed, and materials removed from the facility.

20. Tabulated monthly summary weights of incoming construction waste, along with reused or recycled materials removed from the incoming construction waste, by-pass/unacceptable waste and non-recyclable waste removed for disposal shall be submitted to the Regional Waste Management Specialist in the Washington Regional Office for review on a quarterly basis at the following address:

    Solid Waste Section
    Washington Regional Office
    1424 Carolina Ave.
    Washington, N.C. 27889
    Attn: Chuck Boyette

21. The management of new construction roofing shingles(i.e partial squares, tabs, trimmings) shall be in accordance with the operational plan.

22. Demolition shingles received shall be managed as outlined by request dated 12 March 2001 and said shingles shall be transferred to the referenced sites as identified in condition # 18. Shingles shall not be received for processing at the site unless an asbestos screening plan is submitted for review and approved by the Solid Waste Section along with the Health Hazards Branch of the Div. Of Epidemiology.

23. No grinding of shingles or other roofing products/roofing materials is allowed at this site unless it can be demonstrated the materials are new construction materials from new(present day) construction projects. No demolition materials as stated in condition #22 shall be processed(ground/shredded/pulverized) at this site.

24. The conditions stated in the "EXTENDED SPECIAL USE PERMIT GRANTED" from Currituck County dated 17 June 2002 shall be complied with and incorporated into this Permit to Operate as follows:

    a. The mulch sales storage area shall not exceed 6' in height, 30' in length and 15' in width;

    b. No storage areas for construction waste shall exceed 15' in height.

25. The permit boundaries of the approved site plan shall be identified and all materials at the site shall be placed within those limits. Expansion beyond the approved site boundaries will require approval consistent with Currituck County zoning and a modification to the Solid Waste Section permit.

SOUNDSIDE RECYCLING & MATERIALS, INC.

7565 Caratoke Hwy. - Jarvisburg, NC 27947
Phone: 252-491-8666 - Fax: 252-491-5454

Fax Transmittal Form

To

Name: Jim Barber
Organization Name/Dept:
Phone number: 919 508 8495
Fax number: 919 733 4810

- ☐ Urgent
- ☐ For Review
- ☐ Please Comment
- ☐ Please Reply

From

Racy, Newbern
Phone: 252-491-8666
Fax: 252-491-5454
Email: soundside1@earthlink.net

Date sent: 6/16/05
Pages sent: 4

Message:

COUNTY OF CURRITUCK

CERTIFIED MAIL
Return Receipt Requested

Date Filed 6/13/05

June 10, 2005

HD (Racy) Newbern
PO Box 176
Aydlett, NC 27916

RE: Special Use Permit

Dear Mr. Newbern,

At its June 6, 2005 meeting, the Currituck County Board of Commissioners voted to approve the special use permit to continue to operate a demolition landfill in Powells Point, Tax Map 110, Lot 38, 39 according to the following:

1. The applicant shall maintain the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which is filed in the office of the Planning and Inspections Department.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the special use permit shall be valid until 12/5/05 prior to which time the applicant must come back for renewal;
4. That the mulch sales storage area not exceed 6' in height, 30' in length and 15' in width;
5. That no demolition storage pile areas exceed 15' in height;
6. That the applicant maintain substantially high berms to effectively conceal all debris piles from public view from Caratoke Highway (US 158). The height of these berms shall be a minimum of 12 feet but may be higher depending on the height of debris piles;
7. That the berm height be uniform, complete, and continuous
8. That the applicant will be permitted one (1) permanent sign and one (1) temporary sign for the business.
9. That the "S" curve leading from the scales to the debris piles be better defined by constructing higher berms to conceal the piles from public view.

10. That no transportation equipment (tractors or trailers with or without debris) be parked or stored outside the berm area.

11. That the following comments from the county's Fire Marshall be incorporated within this approval:

    1. No Smoking except in designated areas are allowed. Signage should indicate appropriate areas.
    2. Fire operations will require an all weather surface and 20' access width to all areas of the compound. Would recommend 2 ingress/egress points.
    3. Each fuel-fired vehicle shall be equipped with a 2-A:20-B:C or higher fire extinguisher.
    4. A fire hydrant must be within 500' of all portions of the compound area.
    5. Plant growth must be maintained in order to prevent wind blown debris escaping the site.

12. That the hours of operation be set at 7:30 a.m. to 5 p.m. weekdays and 7:30 a.m. to 12 noon on Saturdays with no operations allowed on Sundays;

13. That all material must be kept on site at all times and that necessary steps are taken to keep material from blowing off the property; and,

14. Violations of SESC plan and DWQ permit must be addressed.

15. Staff Findings of Fact:

- The tract is located on the east side of Caratoke Hwy. approximately 200' south of the intersection with SR 1156 (North River Rd.) in Powells Point, Tax Map 110, parcels 38 & 39. Poplar Branch (ML) Township.
- The property is being utilized as a recycling center.
- The applicant received a Special Use Permit (SUP) on May 1, 2000 and a renewal on June 17, 2002 to temporarily store untreated demolition waste (treated & untreated wood products, cardboard, plastic, vinyl, wallboard, metal and shingles) on two (2) acres of land in an "Agriculture" zoning district which is permitted in an A district with a SUP.
- The applicant currently recycles demolition waste using a tub grinder. Since the UDO does not specifically list this use in the Table of Permissible Uses, the staff determined this use had impacts similar to a demolition landfill which required a special use permit in an "A" zoning district.
- According to county Zoning Maps, the nearest dwelling to the existing recycling area is approximately 300 feet west.
- The mulch stockpile sales area will be located a minimum of 25' feet off of Caratoke Hwy.

- No burning of waste will be permitted on the site unless a special use permit is granted for an incinerator. Further, all necessary state permits must be obtained prior to burning waste.
- The site is surrounded by the following land uses:
- West (Front) Commercial (Antique Store)-zoned "GB"
- East (Rear) Farmland - zoned "A"
- North (Side) Farmland (agricultural operations) - zoned "A"
- South (Side) Farmland - zoned "A"
- The 1990 Land Use Plan classifies this land as "Limited Transition".
- The proposed site is located along a Minor Arterial in the County's Thoroughfare Plan.
- According to the application, the storage area will not increase the county's ability to provide facilities in anyway.

Please also be advised that this permit is valid for six months and will expire on 12/5/05. If you have any questions, please call me at 252-232-3055, extension 262.

Sincerely,

Gary Ferguson, AICP
Planning Director

GF/tju

Encl: Special Use Permit

Cc: Development Code Enforcement Officer

ATTACHMENTS

1. Soundside Recycling & Materials original application and site drawing received 21 June 2000 that includes:
   c. Special Use Permit from Currituck County dated 16 June 2000;
   d. Letter from NHP addressing rare species, high quality natural communities dated 28 April 2000;
   e. Letter from SHPO addressing archaeological, architectural and historic sites dated 4 May 2000;
   f. FEMA FIRM map for Currituck County indicating that the proposed site is not in a 100 year floodplain;
   g. "Letters of Intent" from end users (APL Plastics and Butler Paper Recycling);
   h. Letter dated 4 January 2000 from the Lower Currituck VFD Inc.;
   i. Deed for the property and plat map with metes and bounds along with Certification by Land Owner affidavits from H.D. and Marlene Newbern;
   j. Letter of approval of revised plan dated 6 June 2000 from the Division of Land Resources/Land Quality Section;
   k. Jarvisburg USGS Quad. Sheet and Jarvisburg, N.C. wetlands inventory map.
2. Modification #1: Request dated 12 March 2001 for the construction of a concrete pad and loading ramp for the transfer of shingles, along with a site plan locating the pad on the site.
3. Modification #2: Request dated 26 March 2002 for the addition to the operations plan to include John C. Holland Enterprises, State of Va. Permit #280, as a disposal site.
4. Modification #3: Letter dated 22 April 2002, received via fax on 23 April 2002, addressing Soundside's request for an extension of time to operate the recycling facility consistent with the Special Use Permit issued 16 June 2000.
5. Modification #4: Letter dated 3 June 2002, received via fax on 3 June 2002, addressing Soundside's request for an extension of time to operate the recycling facility consistent with the Special Use Permit issued 16 June 2000.
6. Modification #5: County of Currituck - EXTENDED SPECIAL USE PERMIT GRANTED dated 17 June 2002, received via fax on 10 July 2002, addressing Soundside's request for an extension of time to operate the recycling facility consistent with the Special Use Permit issued 16 June 2000, along with additional conditions placed in the Special Use Permit and added to the facility conditions in the PTO.
7. Modification #6: County of Currituck - EXTENDED SPECIAL USE PERMIT GRANTED dated 13 June 2005, received via fax on 16 June 2005, addressing Soundside's request for an extension of time to operate the recycling facility consistent with the Special Use Permit issued 16 June 2000, along with additional conditions placed in the Special Use Permit and added to the facility conditions in the PTO.