



Facility Permit No: 32-J
Durham LCID Landfill
Permit to Operate
February 20, 2009
Document ID No. 6817
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NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Beverly Eaves Perdue
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Division of Waste Management
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**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
SOLID WASTE SECTION**

**LAND CLEARING AND INERT DEBRIS LANDFILL
Permit No. 32-J**

Waste Industries, LLC
(a wholly owned subsidiary of Waste Industries USA, Inc.)

is hereby issued a

PERMIT TO OPERATE

DURHAM LAND CLEARING AND INERT DEBRIS (LCID) LANDFILL – CELLS 1, 2, AND 3

and a

WOOD AND INERT DEBRIS RECYCLING AREA IN CELLS 2, 3, AND 4

located at 148 Stone Park Court within the Durham District Campus in Durham, Durham 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 site is located and described by the legal description of the site or property map contained within the approved application.

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

ATTACHMENT 1

PART I: Permitting History

Issuance	Date
Permit to Construct (PTC)	April 16, 1999
Permit to Operate (PTO) – Phase 1, Cell 1	August 18, 1999
PTO Modification – Phase 1, Cells 1 & 2	June 19, 2000
PTO Modification – Added wood recycling on site	November 15, 2002
PTO Amendment – 5 yr – Phase 1, Cells 1, 2, & 3	August 12, 2003
PTO Amendment – 5 yr	February 20, 2009

PART II: List of Documents for the Approved Plan

1. Approved site plan. Plan received February 10, 1999.
2. Approved permit application. Application received February 10, 1999.
3. Temporary Use Permit issued by Durham County. February 22, 1999.
4. Letter approving Sedimentation and Erosion Control issued by Durham County. April 1999.
5. Letter from Durham County to Nancy Scott addressing temporary use permit and zoning letter. April 12, 1999.
6. Certification letter from design engineer addressing pre-operational issues dealing with construction requirements for Phase 1, Cell 1. August 18, 1999.
7. Letter from John Gardner, P.E., G.N. Richardson & Associates, Inc., Raleigh, NC. Certification that construction of Phase 1, Cell 2 was completed and ready to begin operations. June 13, 2000.
8. Letter from John Gardner, P.E., G.N. Richardson & Associates, Inc., Raleigh, NC. Request to amend operations plan to supplement and clarify anticipated use of processed asphalt, concrete, and wood pallets as required by Orange County. November 6, 2002.
9. Letter from John Gardner, P.E., G.N. Richardson & Associates, Inc., Raleigh, NC. Request for permit renewal. Included change in phasing, installation of concrete pipe for conveyance of storm water along western edge, and copy of Durham City-County Building Permit No. 0302280 issued July 8, 2003 and expiring June 30, 2013. July 21, 2003.

10. Articles of Merger of Waste Industries, Inc. into Waste Industries MergeCo, LLC with surviving entity named Waste Industries, LLC. NC Secretary of State Identification Number 0565738, Doc Id 210899076. March 3, 2001.
11. Restated Articles of Organization of Waste Industries, LLC. NC Secretary of State Identification Number 0565738, Doc Id 220439063. February 14, 2002.
12. *Permit Renewal Application, Durham LCID Landfill, Durham, North Carolina, NC Solid Waste Permit No. 32-J.* Prepared by: Richardson Smith Gardner & Associates, Raleigh, NC. Prepared for: Waste Industries LLC. July 14, 2008 revised through February 10, 2009.

PART III: Properties Approved for the Solid Waste Facility

Durham County, N. C. Register of Deeds				
Book	Page	Grantor	Grantee	Acres
2280	201-203	Cherokee Sanford, Inc. (formerly known as Cherokee Sanford Group, Inc.)	Waste Industries, Inc.	37.197
2280	204-208	Cherokee Sanford, Inc.	Waste Industries, Inc.	Easement
Map Book 137	48	Plat, Stone Road Industrial Park, Phase I, Track 2 (LCID occupies approximately 12 acres within the westernmost portion of the property.)		
Total Property Acreage				37.197

The Permit to Construct issued April 16, 1999, was recorded with the Durham County Register of Deeds in Book 2649, pages 249-256.

PART IV: General Permit Conditions

1. This permit will expire on February 20, 2014. Pursuant to 15A NCAC 13B .0201(g) and .0563(4), no later than October 20, 2013, the owner or operator must submit a request to the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section (Section) for permit review and must update pertinent facility plans including, but not limited to, the facility operation and waste screening plans.
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 an LCID landfill and a reference by book and page to the recordation of the permit.
5. By 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 shall be in accordance with the North Carolina 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, Part II, "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 and 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 shall 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 National Pollutant Discharge Elimination System (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

(This section is intentionally blank)

-End of Section-

ATTACHMENT 3

Conditions of Permit to Operate

General Operation Requirements

1. This permit authorizes the operation of Phase I, Cells 1, 2, and 3 of the LCID landfill containing an estimated remaining gross capacity of 150,000 cubic yards in accordance with the approved plan, Attachment 1, Part II, Document 12. Gross capacity is the measured distance between the bottom of the waste and the top of final cover. The facility operating rate for disposal and/or processing varies and is estimated from a minimum of a few cubic yards to a maximum of 250 cubic yards per day.

Phase	Remaining Capacity Final Elevation = 384 ft (cubic yards)
Phase I (Cells 1, 2, and 3)	150,000
Phase II (Cells 4 and 5)	225,725
Total	375,725

2. The facility is permitted to receive waste generated in a service area consisting of Durham, Wake, and Orange counties. Proposed changes to the service area must be approved by the Section and will be considered a modification and subject to the appropriate permitting fee.
3. This facility is permitted to receive land clearing waste; yard trash; untreated and unpainted wood; uncontaminated soil; inert debris such as unpainted rock, brick, concrete, and concrete block; and asphalt in accordance with NCGS 130-294(m). Waste acceptance requirements may be affected by future revisions and amendments to the NC General Statutes, or to the NC Solid Waste Management Rules.
4. Revisions to the design or operation of the facility require written approval of the Section.
5. Amendments or revisions to the NC Solid Waste Management Rules or any violation of ground water standards may necessitate modification of the approved plans or closure of the facility.
6. Solid waste must be restricted to the smallest area feasible, compacted as densely as practical into cells by proper construction equipment.

7. Excavation, grading, and fill material side slopes must not exceed three horizontal to one vertical (3:1).
8. The following requirements must be met prior to receiving solid waste and during the operation life of the site:
 - a. (Intentionally blank)
 - b. A sign must be posted at the entrance showing the contact name and number in case of an emergency and the permit number in accordance with 15A NCAC 13B .0566 (16).
 - c. Site access controls must be installed and operational.
 - d. An attendant must be on duty at all times while the landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
 - e. Access roads must be of all-weather construction and properly maintained.
9. The concentration of explosive gases generated by the LCID landfill facility must not exceed:
 - a. Twenty-five percent of the lower explosives limit for the gases in the facility structures.
 - b. The lower explosive limit for the gases at the property boundary.
10. Open burning of land clearing waste is prohibited. If a fire occurs, the permittee must provide oral notification to the Section within 24 hours of the occurrence followed by a written report of the details of the fire within 10 working days of the occurrence that includes, but is not limited to: the cause, the location(s) on the premises, the dimensions and volume of material involved, description of the emergency response activities, how the fire was brought under control, and what mitigation measures are implemented to reduce or eliminate conditions leading to the fire. Other conditions may be required based on the severity or nature of the fire.

Site Specific Operation Requirements

11. The permit authorizes the use of Cells 2, 3, and 4 for the storage and processing of incoming materials and outgoing product consistent with approved plan and as shown in Figure 1 of the Operation Plan (Attachment 1, Part II, Document 12).
12. Markers/posts must be used to delineate the storage areas, shown as shaded areas in Figure 1 of the Operation Plan, and maintained for reference.
13. Wood waste consisting of clean lumber scrap, pallets, plywood, oriented strand board, engineering beams and other non-treated wood may be accepted and processed for boiler

fuel. Treated wood (copper chromate arsenate, salt, pressure, stained, painted, etc.) shall not be collected, stored, or processed.

14. Inert debris consisting of concrete, demolished roadway asphalt, brick and concrete block can be accepted and stored for processing. Painted inert debris shall be sampled to insure that the lead levels are below the 0.5% lead by weight (or 5,000 parts per million) or 1 mg/cm³ based on Title X of the Housing and Community Development Act and the Toxic Substances Act. Copies of the test results shall be made available upon request to the Section.

Cover Material Requirements

15. Solid waste must be covered with one (1) foot of suitable soil cover at least once per month or when the active area reaches one (1) acre in size, whichever occurs first, or more often when necessary to prevent the site from becoming a nuisance or to mitigate conditions associated with fire, windblown materials, vectors, or excessive water infiltration.
16. Vegetative ground cover sufficient to restrain erosion must be established within 30 working days over areas that do not receive wastes for 30 calendar days or upon completion of any phase of LCID landfill development or as addressed in the approved Sedimentation and Erosion Control permit.
17. Within 120 calendar days after completion of the final disposal operations, the disposal area must be closed and covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. However, ditches located on the landfill debris must have a two (2)-foot thick soil cover as its base and side slopes.

Erosion and Sedimentation Control Requirements

18. 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 site of the landfill unit during the service life of the facility.
19. The permittee is solely responsible for maintaining an approved sedimentation and erosion control plan. 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.

Drainage Control and Water Protection Requirements

20. Facility 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

21. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L.
22. Surface water must be diverted from the operational area.
23. Surface water must not be impounded over or in waste.
24. Solid waste must be placed a minimum of four feet above the seasonal high water table.
25. Solid waste must not be disposed in standing water.
26. Leachate must be properly managed on site through the use of current best management practices.

- End of Permit Conditions -