



# Allied Land Surveying Co., P.A.

September 28, 2004

T-N-PN 34-18 Myers LCID  
Landfill

NC Department of Environment & Natural Resources  
Attn: Jim Barber  
401 Berlin Road, Suite 150  
Raleigh, North Carolina 27605

**SUBJECT: MYERS LCID LANDFILL  
T&P PERMIT 34-18-TP**

Fac/Perm/Co ID #	Date	Doc ID#
Carney	2/27/09	DIN

Dear Mr. Barber:

This letter is in response to the condition number 18 as shown on page 4 of 5 of the Solid Waste Permit, dated June 10, 2004. Enclosed you will find four photograph's, dated September 13, 2004, of the areas in question.

The first photograph shows the sediment traps in place as well as the final 2' of cover, with grass being established over the northern and western side of the slope. There is a small area below the sediment trap that the slope is not quite 3:1. Mr. Myers will be correcting that as weather permits

The second photograph shows the spring water flowing out of the 4" PVC pipe that is now in place below the silt fence.

The third photograph shows the 100' setback marked by large rocks and the start of the mulch windrows.

Photograph four shows the new sign with permit numbers in place. Please note that the LCID area has not been opened, only the T&P.

Please feel free to contact our office if you have any comments or questions with regard to the enclosures.

Sincerely,

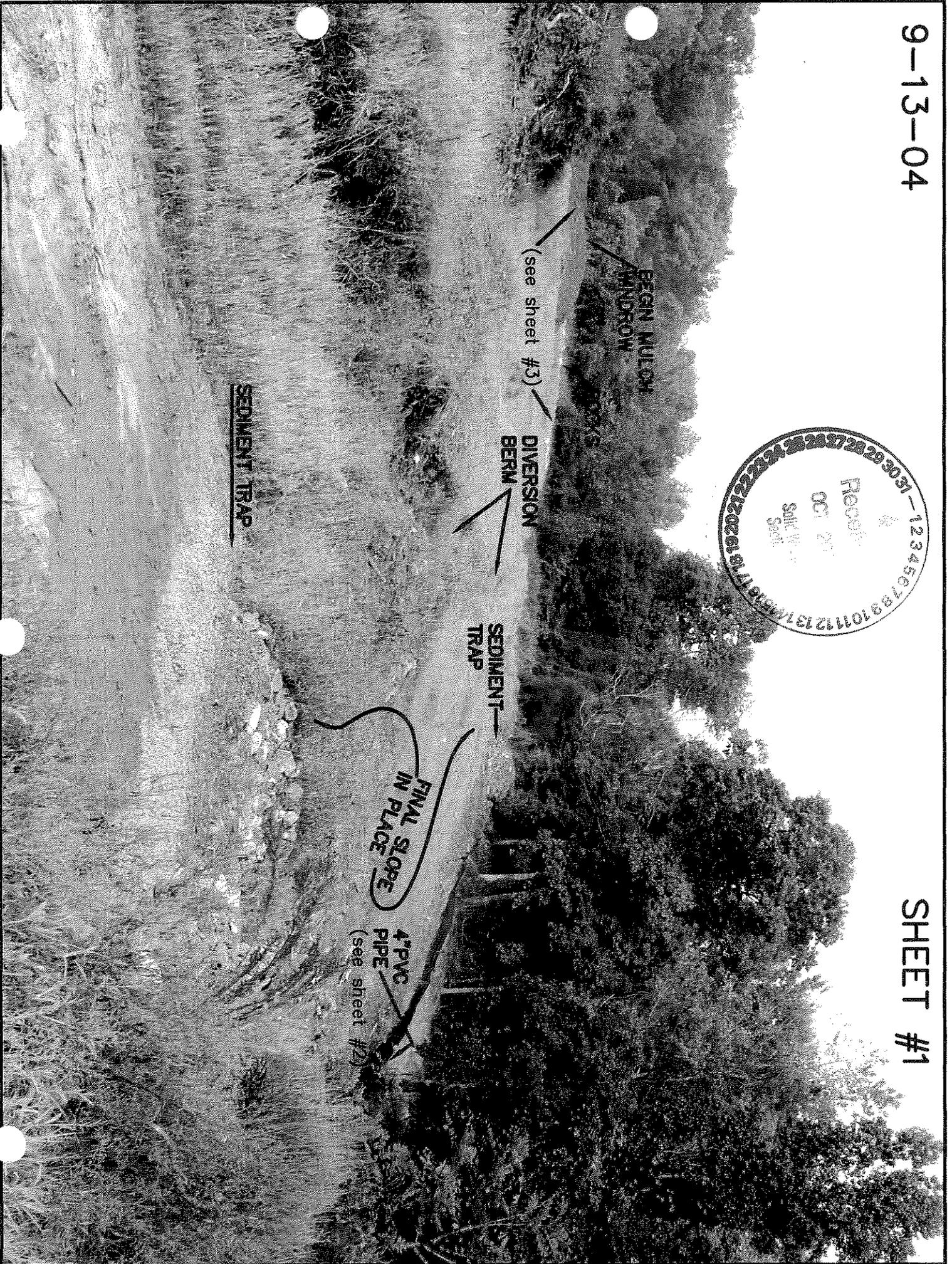
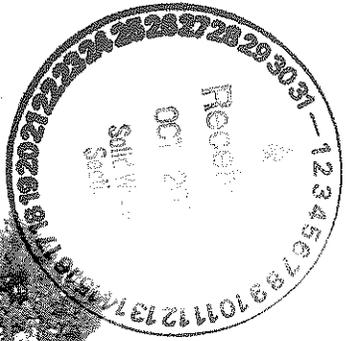
Richard P. Bennett, PLS

cc: Mark Poindexter, NCDENR  
Tim Jewett, NCDENR  
James Beale, NCDENR  
Herb Myers, Owner



9-13-04

SHEET #1



BEGIN MULCH  
ANDROW

(see sheet #3)

DIVERSION  
BERM

SEDIMENT  
TRAP

FINAL SLOPE  
IN PLACE

4" PVC  
PIPE  
(see sheet #2)

SEDIMENT TRAP

9-13-04

1234567891011121314  
SPRING WATER  
IN 4" PVD PIPE  
25262728293031

SHEET #2



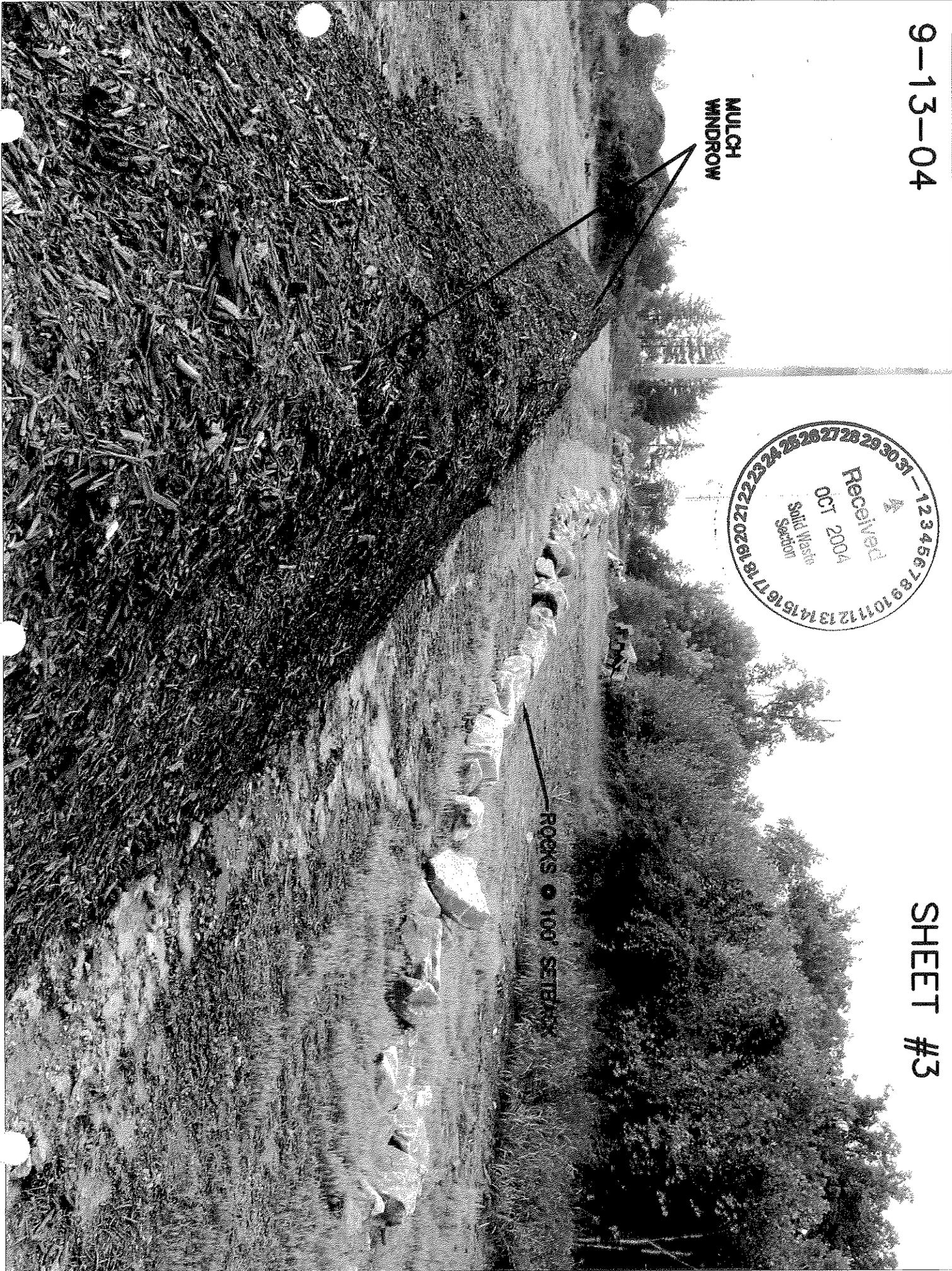
9-13-04

SHEET #3



MULCH  
WINDROW

ROCKS @ 100' SETBACK



# LAND CLEARING AND INERT DEBRIS WASTE ONLY

Myers Land Clearing and Inert Debris (LCID)  
Treatment and Processing Facility

•  
Owner  
Herb Myers  
**PERMIT# 34-18-TP**  
**PERMIT# 34-BB**

•  
Operator  
Herb Myers

**Hours 8:00am - 5:00pm M-F**  
8:00 am - 12:00am Saturday  
**Emergency Contact: Herb Myers**  
**407-1010 or 766-6887**





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

June 10, 2004

Mr. Herb Myers and Marty Myers  
Myers Land Clearing and Inert Debris Landfill  
820 Ellington Road  
Lewisville, North Carolina 27104

Re: Land Clearing and Inert Debris Treatment and Processing Facility, Shallowford Road,  
Lewisville, Forsyth County, North Carolina  
Permit Number 34-18-TP

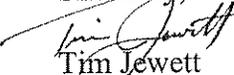
Dear Mr. Myers:

Enclosed please find a Solid Waste Permit and Conditions of the Solid Waste Permit for the above referenced Land Clearing and Inert Debris Treatment and Processing Facility as per your letter to the Solid Waste Section dated 8 March 1995.

This permit is for a five (5) year period from the date of issuance and approves the construction and operation of the above referenced facility. Ninety (90) days prior to the expiration date of the permit, Myers Land Clearing and Inert Debris Landfill shall contact the Division of Solid Waste Management for renewal of the permit. Based upon operational records and rules in effect at that time, changes may be required. If no changes are required, the Division will re-issue the permit for an additional five (5) years.

If you have any questions or require any other assistance, please contact Ms. Wendy Simmons at 336-771-4608 ext. 208 or Mr. Brent Rockett at ext. 209. I can be reached in the Winston-Salem Regional Office at (336) 771-4608 ext. 204.

Sincerely,



Tim Jewett

Western Area Engineer

Solid Waste Section

Enclosures

cc: Jim Coffey, Section Chief  
Jim Barber, Supervisor Permitting Branch  
Brent Rockett, Western Area Supervisor  
Wendy Simmons, Waste Management Specialist  
James Bealle, Environmental Technician  
Raleigh Central File: Forsyth County - (34-18-TP)

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone 919-733-4996 \ FAX 919-715-3605 \ Internet <http://wastenotnc.org>

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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

PERMIT NUMBER: 34-18-TP  
DATE ISSUED: JUNE 10, 2004

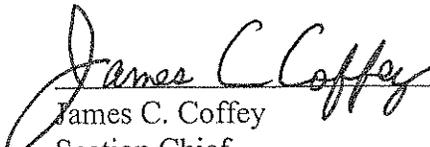
**SOLID WASTE PERMIT**

Herbert G. Myers, Sr., and Marty Lee Myers

are hereby issued a permit to CONSTRUCT & OPERATE a

**LAND CLEARING AND INERT DEBRIS TREATMENT AND PROCESSING FACILITY**

located at 7775 Shallowford Road (north side), between Dorse Road and Pilot View Drive, west of the Town of Lewisville, Forstyh 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 legal description in the permit application and the site drawings.

  
James C. Coffey  
Section Chief  
Solid Waste Section

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone 919-733-4996 \ FAX 919-715-3605 \ Internet <http://wastenotnc.org>

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PERMIT NUMBER: **34-18-TP**  
PERMIT ISSUED: 10 JUNE 2004  
FACILITY NAME: MYERS LAND CLEARING AND INERT DEBRIS (LCID)  
TREATMENT AND PROCESSING FACILITY

Page 5 of 5

### ATTACHMENT

The following documents are incorporated in the Division Approved Plan for Permit No. 34-18-TP:

1. Original permit submittal document titled "Permitting and Operations Manual, Myers Land Clearing and Inert Debris Landfill, Permit No.: FC 34-90-05" dated April 2002 and prepared by Allied Design, Inc.. Original submittal documents include the application narrative, Zoning Approval (dated 8 November 2001), design drawings, and site Operations Plan.
2. Revision to the original permit application submitted by Allied Design, Inc. dated 23 June 2003 including revised drawings C1, C2, C3, and C4 and a revised Section IV (Operations Plan) of the "Permitting and Operations Manual."
3. Letter dated 15 September 2003 from Allied Design Inc. with an attached letter from Soil Scientist, Richard Ferris, addressing evaluation of depth to groundwater.
4. Phase 1A Closure Plan Drawing (Dwg C5), submitted by Allied Design, Inc. and dated 25 September 2003, received 26 September 2003.
5. Building Permit from the Winston-Salem/Forsyth County Inspections Division dated 20 February 2004 submitted via Letter of Transmittal from Allied Design, Inc.. Received 18 March 2004.
6. Letter dated 19 March 2004 from Allied Design, Inc. including a copy of the recorded Reclamation Agreement with the City of Winston Salem/Forsyth County and a copy of a letter from the City of Winston-Salem Inspections Division indicating that a new special use permit was not required.
7. Fax dated 23 April 2004 from Allied Design, Inc. showing application for a Watershed Protection Permit and Sediment and Erosion Control Plan approval from the Winston-Salem/Forsyth County Inspections Division (NC Div. of Land Quality delegated program). Approvals dependent upon issuance of NCDENR permit.
8. Letter dated 21 May 2004 from Allied Design, Inc. including a map of test pit locations investigated to verify partial closure of the old demolition area under the proposed reclamation facility and a set of color photos to verify documentation of closure area.

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PERMIT ISSUED: 10 JUNE 2004

FACILITY NAME: MYERS LAND CLEARING AND INERT DEBRIS (LCID)  
TREATMENT AND PROCESSING FACILITY

15. Dust and odor control measures shall be utilized to minimize airborne emissions and to prevent dust from becoming a nuisance or safety hazard.
16. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L. Groundwater monitoring wells may be required if there is indication of the potential for groundwater contamination.
17. An annual report must be submitted to the Division of Solid Waste Management by August 1<sup>st</sup> of each year for the previous July 1 to June 30. The report shall include the amount of waste received and the amount and type of products sold or otherwise distributed by the facility.
18. Final cover, grading, seeding and stabilization of the northern and western side slopes shall be completed by 30 September 2004. Slopes shall have a minimum of two (2) feet of final cover and shall be no steeper than 3(H):1(V). A certification of cover and slope grade shall be submitted no later than 15 October 2004.

PERMIT NUMBER: **34-18-TP**

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PERMIT ISSUED: 10 JUNE 2004

FACILITY NAME: MYERS LAND CLEARING AND INERT DEBRIS (LCID)  
TREATMENT AND PROCESSING FACILITY

9. Operation and maintenance of this facility shall be in accordance with section .0302 of the Solid Waste Rules, the permit application and the Operational Plan submitted by Allied Design, Inc. (Revised 23 June 2003), and the following specific conditions:
  - a. Site preparation and construction shall be in accordance with the approved site plan.
  - b. The site shall be adequately secured by means of gates and fences, as shown on the plans, to prevent unauthorized entry except when an operator is on duty. 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 and other unacceptable or non-permitted waste onto the site.
  - c. Non conforming waste received at the facility or removed from final product during screening shall be separated and removed from the facility within 24 hours and properly disposed.
  - d. A sign shall be posted at the entrance containing the words "Land Clearing and Inert Debris Waste Only", the facility name, the permit number, the name of the owner, the name of the operator, the hours of operation, and emergency contact name and number.
  - e. Open burning of solid waste is prohibited.
  - f. Appropriate litter control measures shall be provided to confine material subject to be wind blown. All wind blown material shall be collected and properly disposed of by the owner or operator on a daily basis.
  - g. Revisions or modifications to the plans and operations must be approved by the Division of Solid Waste Management.
10. Any water which comes in contact with solid waste shall be contained on-site or properly treated prior to discharge or managed in such a manner that there will be no degradation of ground or surface waters.
11. Effective management practices shall be employed to control flies, rodents, insects, vermin, or other vectors.
12. Fires and other non-conforming incidents shall be reported to the Regional Waste Management Specialist, within twenty-four (24) hours, followed by a written notification within fifteen (15) days.
13. All sedimentation and erosion control activities shall be conducted in accordance with the Sedimentation Control Act, 15A NCAC 4. Soil erosion and runoff control structures shall be in place and approved by the appropriate permitting agency prior to accepting any waste.
14. All earth-disturbing activities will be conducted in accordance with all applicable federal, state, and local requirements.

PERMIT NUMBER: 34-18-TP

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PERMIT ISSUED: 10 JUNE 2004

FACILITY NAME: MYERS LAND CLEARING AND INERT DEBRIS (LCID)  
TREATMENT AND PROCESSING FACILITY

### CONDITIONS OF PERMIT

1. This permit is valid for a period of five years from date of issuance and shall **expire on 10 June 2009**. This permit is for the construction and operation of the **Land Clearing and Inert Debris Treatment and Processing Facility**, according to the approved plans prepared by Allied Design, Inc. dated August 20, 2001 and revised April 25, 2002, June 19, 2003, and June 23, 2003. Any revisions of these approved plans must be approved by the North Carolina Solid Waste Section. Ninety (90) days prior to the expiration date of this permit, Myers Land Clearing and Inert Debris Landfill must notify the Division of Solid Waste Management. Additional conditions or revisions to the approved plans or operations may be required by the Division of Solid Waste Management in accordance with rules in effect at the time of review.
2. Amendments or revisions to the Solid Waste Management Rules or violation of surface water, ground water, or land quality standards may necessitate modification of construction, operation, or closure of this facility prior to the expiration date of this permit. Based upon operating performance, the Conditions of this Permit may be subject to revision.
3. This facility is permitted to receive land clearing waste, 15A NCAC 13B .0101(53), consisting of yard trash, untreated and unpainted wood, and inert debris such as rock, brick, concrete, concrete block, and uncontaminated soil. 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. This permit is not transferable.
5. In addition to Condition #3 above, only material specifically listed in the permit application may be managed at this facility without adequate testing and prior approval of the Division of Waste Management. Low carbon-nitrogen waste such as grass clippings shall not be received at this facility. Any heat generation (composting) in any of the piles of material at the facility will be considered a permit violation and shall result in the facility meeting all of the requirements of Section .1400 of the Solid Waste Management Rules within 3 months.
6. The facility shall be operated in a manner so as to prevent the creation of a nuisance, potential health hazard, or potential fire hazard.
7. The 100-foot buffer to property line shall be maintained free of waste and final product.
8. Waste shall not be received at the facility until a pre-operation inspection has occurred and the site found to be in compliance with the rules and permit conditions and the operator reviews the operations plan with the Solid Waste Section Staff.



## IV. OPERATIONAL PLAN

### A. Name and Address

Mr. Herbert G. Myers  
820 Ellington Drive  
Lewisville, North Carolina 27104  
(336) 765-2362 (LCID Site)  
(336) 407-1010 (Mobile)

**APPROVED**  
DIVISION OF WASTE MANAGEMENT  
SOLID WASTE SECTION  
DATE 6/10/2004 BY TAB  
PERMIT # 34-18-TP  
CENTRAL FILE COPY  
(ALSO Refer to Related File 34-18B LCID LE)

### B. Project Land Use After Closure

The proposed land use after closure of the LCID will include a mix of residential and agricultural uses. If future zoning classifications permit, the property may realize commercial development.

The Owner/Operator currently operates a "Processing and Treatment Facility" on the site for recycling of materials received. The property will be continually used for processing and treatment as allowed by the local ordinance even after the fill areas are completely utilized.

The front portion of the property and the areas characterized by more desirable topography have been potentially identified for single-family residential development. The remaining portions of the property will be utilized for grass pastures and/or may be reforested.

If the zoning classifications in the area are revised to designations that allow commercial or higher intensity development, the property owner may investigate alternate development scenarios.

### C. Operational Plan<sup>1</sup>

1. The facility shall only accept those solid wastes that it is permitted to receive.
2. Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.
3. Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
4. 120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. The Division may require further action in order to correct any condition

<sup>1</sup> North Carolina Administrative Code, NCAC 13B.0566

which is or may become injurious to the public health, or a nuisance to the community.

5. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
6. Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
7. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall 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.
8. Access roads shall be of all-weather construction and properly maintained.
9. Surface water shall be diverted from the working face and shall not be impounded over waste.
10. Solid waste shall not be disposed of in water.
11. Open burning of solid waste is prohibited.
12. The concentration of explosive gases generated by the facility shall not exceed:
  - a. Twenty-five percent of the lower explosive limit for the gases in facility structures.
  - b. The lower explosive limit for the gases at the property boundary.
13. Leachate shall be properly managed on site through the use of current best management practices.
14. Should the Division deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602.
15. A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number. The permit number requirement is not applicable for facilities not requiring an individual permit.

#### D. Site Specific Operational Plan

1. Vehicles entering the site for LCID material disposition will be met by on-site employees/personnel. Staff will inspect to the extent possible the material content of the load. Vehicles loaded with material not acceptable for disposal in an LCID will be immediately turned around and not allowed to dump. Staff will estimate the volume of material to be received and make a record of the volume and type of material. Materials that will be accepted are specified in Section E below. Estimated waste stream volumes for the materials to be received in Section F below.
2. Materials deemed acceptable will be directed on-site to the general vicinity of the proper disposal or stockpile areas. Unsuitable materials that were not originally detected will be immediately reloaded on the truck. If during later screening operations, unsuitable materials are discovered, these items will be stockpiled in a suitable area on-site for later disposal in an approved sanitary landfill (most likely Hanes Mill Landfill). Unsuitable materials will be removed as the volume accumulates to a truckload capacity (approximately 6 cubic yards) or no less than annually.
3. Dumped materials that are not immediately processed will be stockpiled in designated areas. Materials will be processed prior to volumes exceeding 100 cubic yards or no less frequently than every two weeks.
4. Surface water will be directed via permanent and/or temporary ditches and swales to the necessary erosion control measures to prevent water from ponding and softening of work areas.
5. Asphalt, brick and concrete materials will be screened, sorted and stockpiled on site for processing and recycling. Excessive quantities will be landfilled at the appropriate time and as operations permit. Quantities and materials suitable for use as beneficial fill will be resold or removed from the site as the market determines.
6. Wooded materials brought on-site will be screened and separated. Materials will be processed to remove excessive soil materials. Logs and large limbs suitable for saw milling operations will be stored on-site in designated areas. These materials will be sold or removed from the site as market determines. Large stumps will be reduced in size suitable for grinding. Limbs and other wood debris will be ground on-site as well. Wood products will be processed, ground, composted and stored on-site to produce a viable and marketable mulch product. Mulch products will be made available for sale to the public.
7. Soil materials removed from the waste stream process will be stockpiled on-site and utilized for final covers. Final covers over fill areas will be provided as the

landfill volumes near the proposed finished grades. Temporary soil covers may be applied to active fill areas that remain inactive over four months.

8. The Operator will maintain appropriate equipment on-site to process and handle the waste products. Equipment will be of sufficient size and capacity to move, process and dispose of received materials.
9. Appropriate measure shall be taken to control flies, rodents and other insects and vermin on-site. This may include use of insecticides, traps and other measures.
10. The facility staff will perform routine inspections of the grounds and surrounding areas to collect and dispose of windblown materials from the site.
11. The Operator will provide sufficient means for dust control from the site. This may include watering and temporary ground covers. Necessary provisions will be in place to remove mud and sediment that may be transported from the site.

#### E. Acceptable Waste Stream

As defined by the North Carolina Solid Waste Section, "Land clearing debris is defined in the rules as waste that is generated solely through land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative matter.

A land clearing-inert debris landfill is defined in the rules as a facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

Yard trash is defined as solid waste resulting from landscaping and yard maintenance such as grass, tree limbs, and similar material."

In accordance with these guidelines, only materials allowed under the rules will be received in the facility. These materials include, but are not limited to: stumps, logs, brush, limbs and other naturally occurring vegetative matter; unpainted concrete, concrete block, gravel, rock and unpainted asphalt; and unpainted and untreated wood and lumber.

F. Estimated Waste Stream Volume

It is estimated that approximately 10 to 12 truckloads of material are received daily with an average truck volume of six to eight cubic yards each. This equates to approximately 25,000 cubic yards of waste materials that are received and processed at the facility annually. This amount is broken down into the following estimated volumes:

Waste Stream Material (Estimated Annual Volumes)	Received		Recycled	
	%	Volume	%	Volume
1. Asphalt, Brick, Concrete	15%	3,750	6%	1,500
2. Saw Logs	8%	2,000	6%	1,500
3. Limbs, Brush, Stumps, Wood & Other Wood Materials	77%	19,250	50%	12,500
4. Unacceptable Materials	1%	50	NA	
<b>TOTAL</b>	<b>100%</b>	<b>25,000</b>	<b>62%</b>	<b>15,500</b>

The wood materials in the waste stream are ground into a mulch product. The volume of wood product is estimated to be reduced to one-third of its original volume. Based on the estimated 56% of the waste stream volume, or 14,000 cubic yards that are ground into mulch, the facility must be able to process and store approximately 4,700 cubic yards of mulch product.

G. Available Landfill Volume

Proposed finished cover contours are indicated on the Overall Site Plan, Sheet C1. This plan indicates proposed final grades over the future fill area on the north side of the creek. The available fill volumes for the new cell was computed utilizing earthwork computation software and an assumed cover of 12-inches. The available volume or landfill capacity is summarized as follows:

Landfill Area	Available Volume (cubic yards)
1. Proposed Cell South of Creek	60,000
<b>TOTAL</b>	<b>60,000</b>

H. Capacity Calculations

Based on the estimated waste stream volumes received and recycled as indicated in the table above in Section F, the total annual landfilled volume would be approximately 9,500 cubic yards of truck volume or 3,200 yards of reduced volume. The total available capacity for bury is approximately 60,000 cubic yards. Based on these volumes the Myers LCID would have a projected life span of over eighteen years.

Upon closure of the active fill area on the north end of the site, this area will be utilized to process the wood material (brush, logs and stumps). Mulch will be processed and ground in the areas indicated on the operations plan. Mulch will be stockpiled in windrows in the areas and in the general arrangement as also illustrated on the plan.

Based on the configuration as depicted, there will be approximately 3,100 linear feet of mulch stockpile windrows. The volume of the windrows was based on geometry of 1:1 side slopes, a base width of twenty feet and a height of 10 feet. The available volume per foot would be 3.7 square yards per linear foot or a total volume of 11,480 cubic yards.

This will provide more than twice the area as required to completely store the volume of mulch product produced in a year as determined in Section F above.

#### I. Emergency Management Plan

In the event of fire or accidents on-site during normal operating hours, the Operator or employee(s) on-site will make emergency contact through the Forsyth County 911 system who will dispatch the appropriate emergency unit(s). The Lewisville Fire Department is located approximately 2 miles from the site. *(See attached letter from Lewisville Volunteer Fire Department regarding response.)*

The operator maintains equipment on-site with capabilities of turning mulch piles and removing combustible materials from a fire. The Owner/Operator maintains a fire pumper truck on-site to assist in emergency management and fire control.

In the event of fire on-site during non-operating hours, persons observing the incident should be able to contact the Owner/Operator from the contact information provided on the front gate. The Owner/Operator will contact the 911 system and respond to the site. Persons observing an incident could also contact 911.

#### J. Equipment List

The Owner/Operator currently maintains the following equipment on-site:

1. 1-Grinder
2. 3-Track Loader
3. 1-Track Excavator
4. 2-Tandem Axle Dump Trucks
5. 1-Fire Pumper Truck

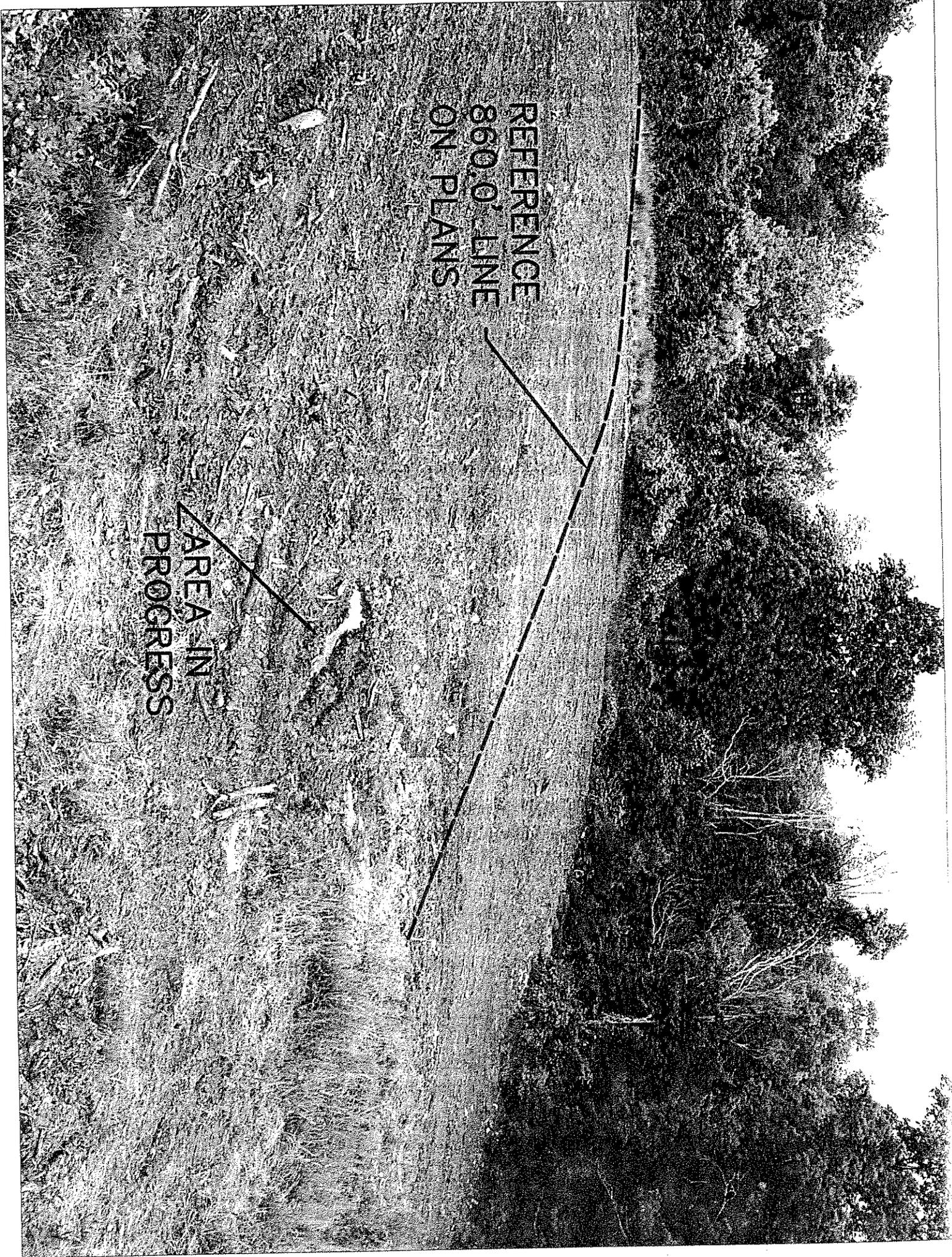
In the event of equipment failure, the Owner has arrangements with various local contractors to borrow equipment. Leasing options are also available to provide solutions for equipment replacement.

K. Annual Notification

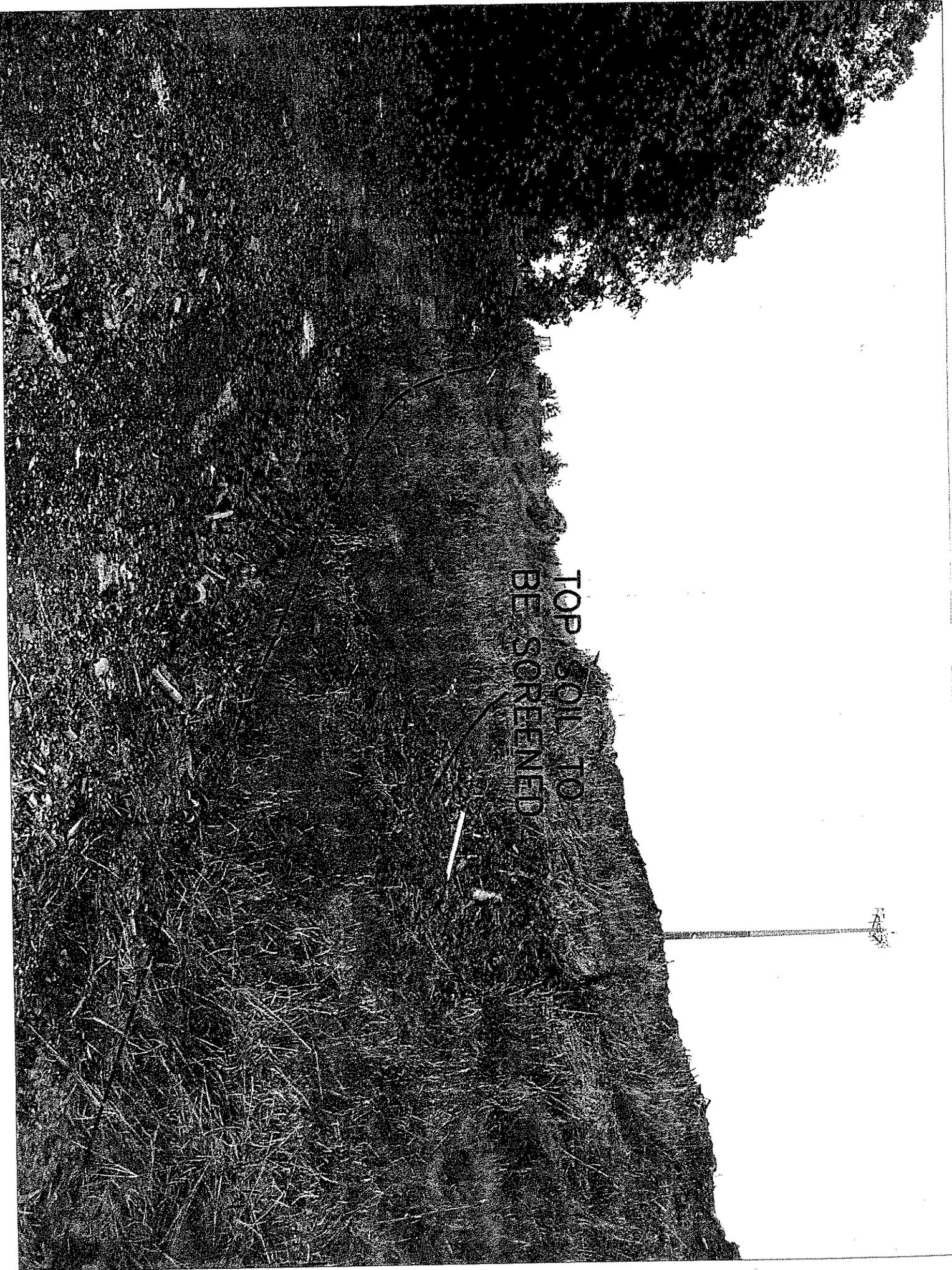
The Annual Notification will be received from the Raleigh NCDENR office. The Owner/Operator will complete the form and return the completed form to the Division of Waste Management. Copies of the notification will be kept on file as required by the rules.

REFERENCE  
860.0' LINE  
ON PLANS

AREA IN  
PROGRESS

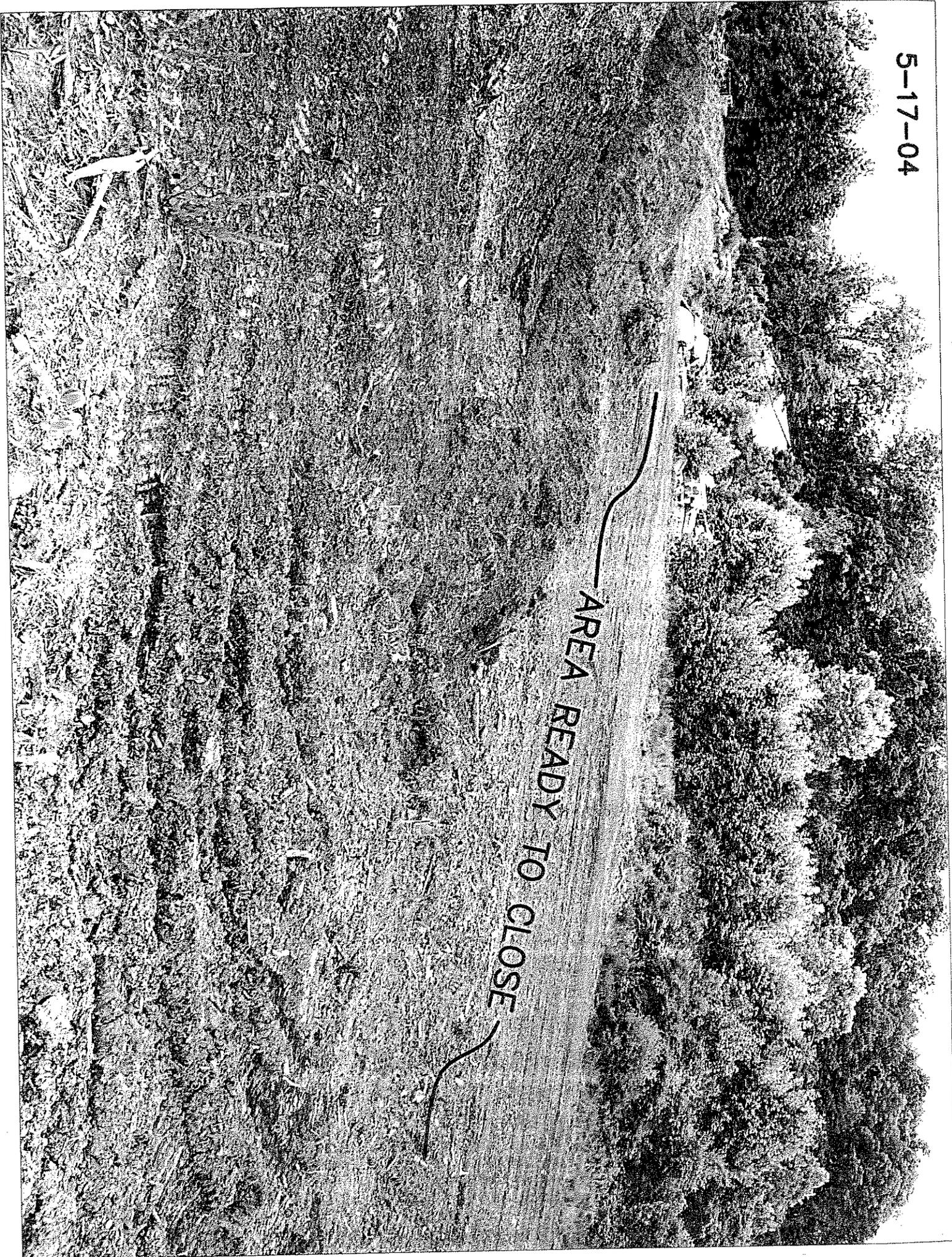


TOP SOIL TO  
BE SCREENED

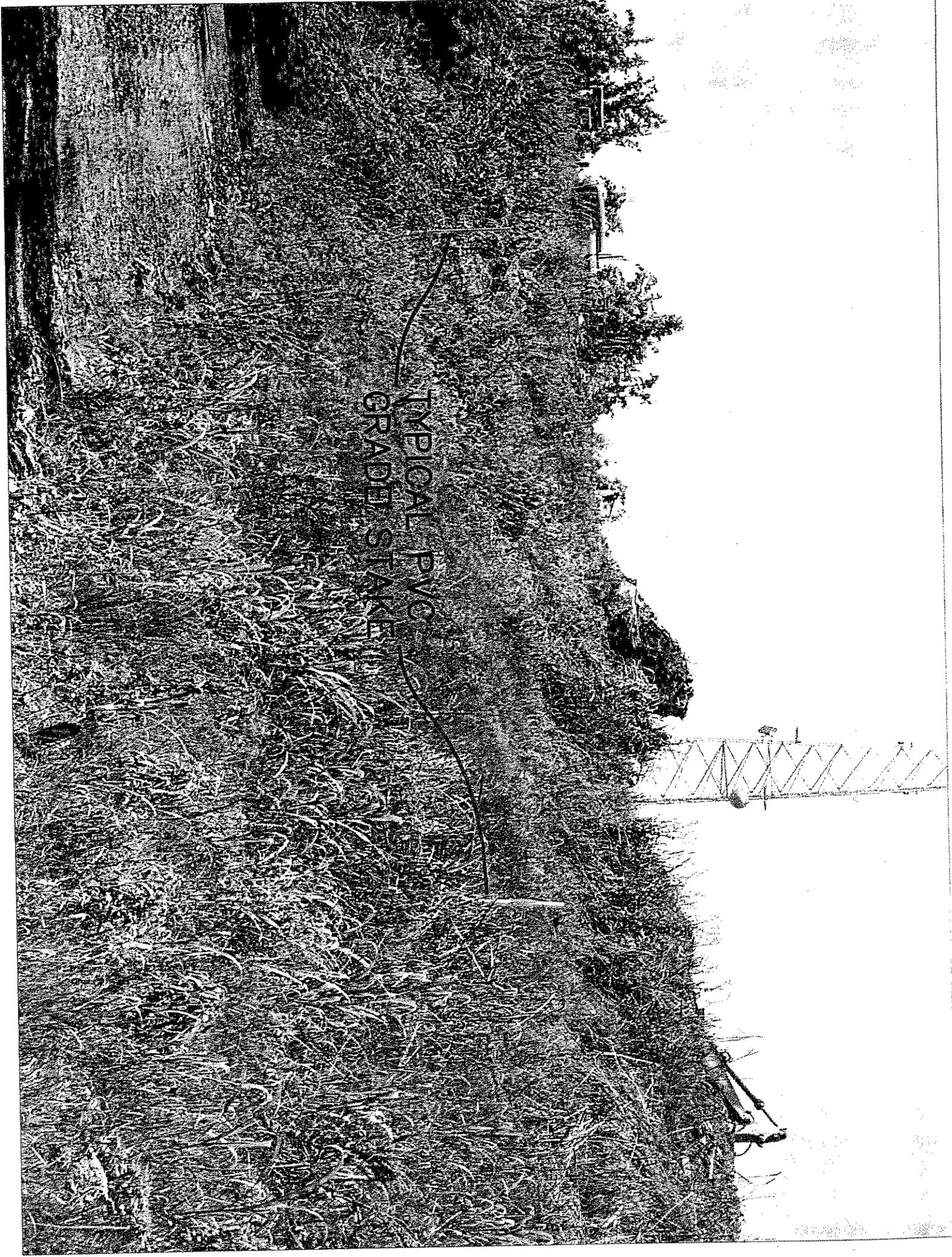


5-17-04

AREA READY TO CLOSE



TYPICAL PVC  
GRADE STAKE



CUT - 4.4

TYPICAL GRADIENT - 5% (PW)



REFERENCE 860.0'  
LINE ON PLANS  
(NOT ACTUAL CONTOUR)





**Subject: Herb Myer Site**

**Date: Wed, 28 Apr 2004 21:57:18 -0400**

**From: TIM.JEWETT@ncmail.net**

**To: jim.barber@ncmail.net, mark.poindexter@ncmail.net, Brent.Rockett@ncmail.net, James.Bealle@ncmail.net**

Jim,

As of today, I have prepared the Permit to Construct & Operate for the LCID disposal area on the backside of Herb Myers' site (landfill only, not T&P).? The Forsyth County delegated program has not released their Sediment and Erosion Control permits to Herb Myers due to their desire to see our permits approved first. Due to several outstanding compliance issues (#3 below being the most crucial), the Permitting Branch is unable to issue a permit for the LCID Treatment and Processing portion of the permit. As I understand it, the outstanding issues are: 20 FEB 2004 -> LCID

Dwn ~ 18 MARCH 2004.

- ✓ 1) Closure documentation is incomplete for the old Phase 1 Demolition area where Mr. Myers wants to locate his T&P operation. I have a letter dated and received on April 16, 2004 that includes 11 "X17" drawings (dwgs dated March 17, 2003) showing one foot of cover at ten (10) hand-auger locations. However, the 10 locations are all concentrated in the front, southwestern portion of the old demolition area - approximately 1/3 to 1/2 of the site. Grading and removal of mulch in this area since Mr. Myers' NOV may make these auger readings unreliable or inaccurate at this date.
  - ① NOTHING SUBMITTED IN PAST FOR CLOSURE.
  - ② NOTHING FOR REMAINING AREA FOR CLOSURE.
- ✓ 2) Mr. Myers has large quantities of mulch (decomposing?) already stockpiled atop the old demolition area that makes closure verification and permitting of a new facility difficult. Part of the NOV, to my understanding, was to arrange stockpiled mulch into windrows to minimize potential fire recurrence and begin moving material off site. Has this been done? Is there room now available to permit new operations? Can closure verification data be obtained in the mulch stockpile areas?
  - ① JAMES FIRE MULCH PILE
- ✓ 3) In a letter from Jeff Sapp → 336-727-2272 from Jeff Vaughn, City of Winton-Salem/Forsyth County Inspections Division, dated 11 October 2002, Mr. Myers was instructed to "obtain a Special Use Permit from the Forsyth County Zoning Board of Adjustments for the separation, processing, storage, or wholesale sale of materials received through the lawful operation of the LCID on the site as an accessory use." To date, I have not received any information from Mr. Myers, Allied Design, Inc., or the City of Winston-Salem indicating that Treatment and Processing operations are approved or meet the zoning requirements of his site. (DICK BENNETT STEVE CAUSBY)
  - NOTHING IN OR SUP.
  - ① WEARING SURFACE.
  - ② MARKET EVALUATION.
- 4) The back (northern) slope of the old demolition site was to be regraded to be a maximum of 3:1 and to assure a 50 foot buffer between toe-of-slope and the stream that crosses the property. Has this been done? Has the slope been seeded and stabilized? (SITE TWICE THE SIZE THAN WHAT WAS APPROVED)
  - MEETING ON 3/24/04 ALSO, NTL BEFORE THIS.
- 5) Approval from the Division of Water Quality has never been obtained for the stream crossing built by Mr. Myers to access the back portion (new LCID disposal area) of his site. Has this been obtained? → CORP OF ENGS. (150') 20' TO LONG.
  - ALONG FENCE, BEHIND DEPOT.
- 6) Unacceptable material (C&D waste, scrap tires, gas tanks, junked cars and car parts, etc.) were noted as being on-site. Has this material been removed? JAMES BEALLE NOV. →
  - JENNIFER ERYE w/DWG. (NO LONGER w/DWG.
- ✓ 7) Water or leachate was noted as flowing from a pipe and from the side of the slope on the northwestern portion of the old demolition area. Has this situation been resolved?

These issues along with instruction about what constitutes "beneficial fill" at a LCID site are what I have listed as still outstanding. If you have any information that addresses these items or have concerns about what I have listed, please let me know.

p.s. I have not stamped the Myers application documents as "Approved" since they contain information about the proposed T&P operation mixed in with the

LCID landfill requirements. Also, per Mr. Myers request, I am leaving his official copy and certified copy of the permit here in the RCO to pick up on Friday. If the meeting is cancelled, these permits will need to be mailed.

--

Tim Jewett  
Western Area Engineer  
NC Dept. of Environment and Natural Resources  
Winston-Salem Regional Office  
585 Waughtown Street  
Winston-Salem, NC 27107  
Voice: 336-771-4608 ext. 204 FAX: 336-771-4631  
Tim Jewett  
Western Area Engineer  
Solid Waste Section





**Allied**  
CIVIL ENGINEERING ♦ LAND SURVEYING

## FAX TRANSMITTAL

To:	Tim Jewett	From:	Richard Bennett
Company:	NCDENR	Pages:	(Including Cover) 3
Phone:		Date:	4/23/04
Fax:	771-4631	Subject:	Myers LCID

 Urgent For Review Please Comment Please Reply

Notes: The information contained in this facsimile message (unless otherwise indicated) is privileged information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error, please notify us by telephone and return the original message to us at the address above via the U.S. Postal Service at our expense.

**CITY OF WINSTON-SALEM/FORSYTH COUNTY  
INSPECTIONS DIVISION  
APPLICATION FOR WATERSHED PROTECTION PERMIT**

If your site is in a designated water supply watershed area then you must submit this completed application and 3 copies of your site plan showing all impervious surfaces to be constructed (i.e. paving, buildings). This watershed protection permit must be obtained before any grading or building permits will be issued.

You can submit a grading permit application and plans at the same time as the watershed protection permit application. Remember to supply the total site acreage and calculate the percent of impervious coverage on the site.

**PLEASE PRINT OR TYPE**

Date October 13, 2003

Project Name Myers LCID

Project Address Shallowford Road

Tax Lot(s) 4439 Tax Block(s) 41A, 208, 210, 211, 212

Applicant's Name Herbert G. Myers

Address 820 Ellington Drive

City/State Winston-Salem, North Carolina Telephone# 766-6887

Contact Person Herbert Myers

Address 820 Ellington Drive

City/State Winston-Salem, North Carolina Telephone# \_\_\_\_\_

Watershed Yadkin River Type WS-IV

Protection Area \_\_\_\_\_ Balance of Watershed X

Exact Site Acreage 15.94

Acreage of Impervious Cover NA % Impervious Cover NA

Curb and Gutter Streets NA Density Allowed 24%

Density This Development \_\_\_\_\_ Fee \$ 150.00

Signature of Applicant AEM

Watershed Approval: Jeffrey P. Kemp Date 11/24/03

PERMITS NOT TO BE ISSUED UNTIL PROJECT APPROVAL LETTER FROM N.C. DEHR. IS REC'D. JK 11/24/03



City of Winston-Salem/Forsyth County Inspections Division  
 100 East First Street, Suite 328, Winston-Salem, NC 27101  
 336-727-2388-office/336-727-2792-fax

10-30-03

EROSION CONTROL SECTION  
LETTER OF PLAN APPROVAL

PROJECT: MYERS LAND CLEARING + INERT DEBRIS LANDFILL

LOCATION: SHALLOUFORD RD.

PLAN APPROVAL WITH MODIFICATIONS

YES

Dear: Mr. Myers

This office has reviewed the subject sedimentation and erosion control plan. We find the plan to be acceptable and hereby issue this letter of approval.

Be advised that Title 15 NCAC 4B. 0017(a) requires that a copy of the approved erosion control plan be on file at the job site. Also, you should consider this letter to give the Notice required by G.S. 113A-61(d) of our right of periodic inspection to insure compliance with the approved plan.

North Carolina's Sedimentation Pollution Control Program is performance oriented, requiring protection of the natural resources and adjoining properties. If following commencement of this project it is determined that the plan is inadequate to meet the requirements of the Sedimentation and Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to insure compliance with the Act.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form which you have provided. You are to file an amended form if there is any change in the information included on the form and notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference. We will plan to attend.

The land-disturbing activity described in this plan may be subject to the approval of other Local, State or Federal agencies. This could include the Division of Environmental Management under storm water or water quality regulations, the U.S. Army Corps of Engineers under Article 404 jurisdiction, county, city, or town agencies under other local ordinances, or other approvals that may be required. This approval cannot supersede any other permit or approval.

Your cooperation is appreciated and we look forward to working with you on this project.

Sincerely,

Erosion Control Officer

*file copy*



75  
100  
100



October 7, 2003

City Hall South  
100 E. First St., Suite 328  
P.O. Box 2511  
Winston-Salem, NC 27102  
Tel 336.727.2628  
Fax 336.727.2792  
www.cityofws.org

Mr. Herbert G. Myers  
820 Ellington Drive  
Winston-Salem, NC 27104

Re: Shallowford Road Landfill

Dear Mr. Myers:

Per our conversation, Ronnie Grubbs and I have reviewed the site plan approved by the Planning Department on May 8, 1997, regarding the expansion of your landfill on Shallowford Road and have determined that the following conditions must be met prior to the expansion:

- a. The expansion of this landfill in the Phase II area shall be approved by the North Carolina Department of Environment, Health, and Natural Resources prior to the issuance of any permits of this site.
- b. This property lies within the Yadkin River WS-IV State Regulated Watershed and the Developer shall obtain a Watershed permit from the Erosion Control Officer.
- c. Developer shall obtain an erosion control permit from the Inspections Division of the City of Winston-Salem.
- d. Developer shall obtain a Grading and Zoning permit from the Inspections Division of the City of Winston-Salem and a permit from the North Carolina Department of Environment, Health, and Natural Resources.
- e. Developer shall file a Reclamation plan for the reuse of this property with the Forsyth County Register of Deeds Officer and the Inspections Division of the City of Winston-Salem.
- f. A Type III bufferyard shall be installed along all adjoining residential property lines where this LCID landfill adjoins RS-40 zoning and the landfill is within 100 feet of that property line.
- g. Applicant may accept only waste consistent with the definition of "Landfill, Land Clearing and Inert Debris" contained in the Unified Development Ordinance.



- h. Meet all use conditions of Section 2-5.37 of the Unified Development Ordinance.  
(See attached)

Mr. Grubbs and I have reviewed the issue regarding the separation, processing, storage, or wholesale sale of materials on this site and have determined that since the original landfill was permitted before the Ordinance was adopted, it is still a non-conforming use. ~~Therefore, you may continue to recycle the materials without a Special Use Permit from the Forsyth County Board of Adjustments. Furthermore, the move into Phase II will not require a Special Use Permit since this area was originally approved before August 25, 1997. Thank you for your cooperation regarding this matter.~~

If you need further information, feel free to contact me at (336)727-2819.

Jeff Vaughn  
Zoning Inspector  
City of Winston-Salem  
Inspections Division

cc: Ronnie Grubbs  
File

FORSYTH CO, NC 186 FEE: \$ 23.00  
PRESENTED & RECORDED: 02/11/2004 2:12PM  
DICKIE C. WOOD REGISTER OF DEEDS BY: NAVARR  
EK2444 P2450 - P2461

FORSYTH CO, NC 148 FEE: \$ 24.00  
PRESENTED & RECORDED: 02/18/2004 1:27PM  
DICKIE C. WOOD REGISTER OF DEEDS BY: POINDE  
EK2446 P 744 - P 748

Prepared by: BAILEY & THOMAS, P.A.

Rerecording to show exhibit C *Reefar*

NORTH CAROLINA

FORSYTH COUNTY

## RECLAMATION AGREEMENT

In accordance with the Plan of Reclamation submitted to the City of Winston-Salem, the County of Forsyth, and to the State of North Carolina, the undersigned agree to all of the following provisions:

1. The Property to which this Reclamation Agreement applies is described in Exhibit A attached hereto.
2. The present owners of the property described in Deed Book 1665, page 0463, Forsyth County Registry, and described on Exhibit A attached hereto and incorporated herein are Herbert G. Myers, Sr. and Marty Lee Myers.
3. The property is presently being used as a "Processing and Treatment Facility" LCID Landfill for recycling of materials. Owners agree to continually use subject property for the above uses provided Owner has fully complied with all City ordinances and regulations, all County ordinances and regulations, all State laws and codes pertaining to the use thereof.
4. That subject property is restricted by the terms of this Agreement unless or in the event future zoning classification permits other developmental uses which include a mix of residential, commercial and agricultural uses.

Send to: *Accred Land Surveying Co*  
*4720 Kester Mills Rd*  
*WSNC 27103*

5. Owner acknowledges and agrees that the front portions of the property and the areas characterized by more desirable topography have been potentially identified for future single-family residential development or commercial use. The remaining portion of subject property shall be utilized for grass pastures or maybe reforested when LCID Landfill is closed and processing and treatment facility is no longer in use..
6. Any of the provisions contained in this Reclamation Agreement may be changed at any time provided such change is in full compliance with all City, County and State ordinances, laws and regulations.
7. A portion of the Operational Plan is attached to this Agreement as Exhibit B and is incorporated by reference as if fully set out herein, all of which Plan Owner agrees to fully comply. In the event zoning classification is changed or permits commercial or higher intensity development, Developer may develop subject property in accordance with such plan.

IN TESTIMONY WHEREOF, the undersigned Owners have hereunto set their hands and seals, this the 21 day of January, 2004.

Herbert G. Myers (SEAL)  
Herbert G. Myers, Sr.

Betty M. Myers (SEAL)  
Betty M. Myers

Marty L. Myers (SEAL)  
Marty L. Myers

NORTH CAROLINA  
COUNTY OF Yadkin

HERBERT G. MYERS, SR. and wife, BETTY M. MYERS, and MARTY L. MYERS, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal, this 21 day of January, 2004.



Donna C. Myers  
Notary Public

STATE OF NC - FORSYTH CO  
Donna C. Myers The foregoing certificate(s) of:  
NP(s)  
is certified to be correct at the date of recordation shown on the first page thereof,  
Dickie C. Wood, Register of Deeds by: [Signature] Deputy/Asst.

## EXHIBIT A

BEGINNING at a new iron pin located in the northern right-of-way of Shallowford Road and running from said point of beginning North 12 deg. 18' 6" East 251.60 ft. to a new iron pin; thence North 89 deg. 27' 46" West 69.59 ft. to a new iron pin; thence North 10 deg. 04' 24" East 345.35 ft. to a new iron pin; thence North 16 deg. 7' 52" West 99.94 ft. to a new iron pin; thence North 01 deg. 30' East 380 ft. to a new iron pin; thence North 21 deg. 06' 56" East 348.62 ft. to an existing iron pin, said existing iron pin being at the corner of the within described tract and in Maxwell Bailey tract as described in Deed Book 1448, page 196, and the Ronald E. Simonds tract described in Deed Book 1138, page 888; thence running along the Ronald E. Simonds tract, the following course: South 55 deg. 48' 00" East 584.05 ft. to an existing iron pin, said iron pin being the corner of the within described tract and the Ronald E. Simonds tract and the Rodney C. Williams tract as described in Deed Book 1581, page 1013; thence along the common boundary with Rodney c. Williams, South 11 deg. 13' 17" West 832.86 ft. to a new iron pin; thence South 21 deg. 49' West 334.41 ft. to a new iron pin; thence South 21 deg. 49' West 42.98 ft. to a new iron pin in the northern right-of-way of Shallowford Road; thence along Shallowford Road North 72 deg. 01' 38" West 350.00 ft. to the point and place of Beginning, containing 15 acres, plus or minus according to the survey by Larry L. Callahan, Registered Land Surveyor, dated March 20, 1989, and identified as job Number 2901-3.

The above described tract is all of Tax Lot 12A and a portion of Tax Lots 14A, 41 and 110 of Block 4439.

Reference: See will of John A. McInnis, 83 E 1225, Forsyth County Clerk Superior Court; Book 1665, page 463, Forsyth County Register of Deeds.

## **LAND USE PLAN**

### **Exhibit B**

The proposed land use after closure of the LCID will include a mix of residential and agricultural uses. If future zoning classifications permit, the property may realize commercial development.

The Owner/Operator currently operates a "Processing and Treatment Facility" on the site for recycling of materials received. The property will be continually used for processing and treatment as allowed by the local ordinance even after the fill areas are completely utilized.

The front portion of the property and the areas characterized by more desirable topography have been potentially identified for single-family residential development. The remaining portions of the property will be utilized for grass pastures and/or may be reforested.

If the zoning classifications in the area are revised to designations that allow commercial or higher intensity development, the property owner may investigate alternate development scenarios.





100 East First Street  
Suite 328  
Winston-Salem, NC 27101

BUILDING PERMIT

PERMIT 04431597B DATE 02/20/04 INSPECTOR TERRITORY 224

LOCATION 7775 SHALLOWFORD RD BLOCK 4439 LOT 210 211,41A

JURIS FC SUBDIV SUBID

OWNER NAME H.G. MYERS OWNER PHONE (336) 407-1010

OWNER ADDRESS 820 ELLINGHAM RD WSNC 27104

CONTR NAME SAME CONTR PHONE (336) 407-1010

CONTR ADDRESS SAME WINSTON-SALEM CONTR LICENSE

LOCATOR STREET SHALLOWFORD ROAD WINSTON-SALEM, NC 27101

ZONING DIST RS40 PAGE 564858

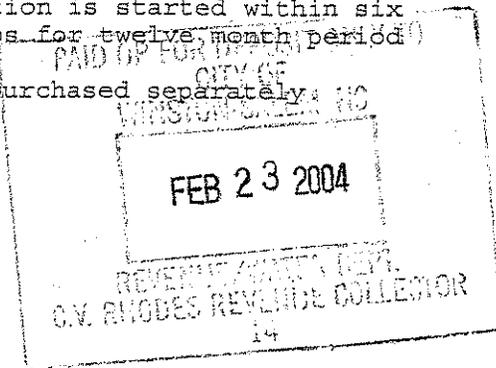
ESTIMATED COST:	BUILDING HEATING	TOTAL	PLUMBING WIRING
YARD DIMENSIONS:	FRONT=[ ]	REAR=[ ]	RIGHT=[ ] LEFT=[ ]
	CORNER=[ ]		
HEATED SQ FT OF BUILDING :	TOTAL=[ ]		

CONSTRUCTION: LANDFILL, LAND CLEARING/INERT DEBRIS - 2 ACRES OR LESS  
COMMENTS: ZONING PERMIT LANDFILL LCID-LESS THAN 2 ACRES//PHASE II-PBR 97-24

FEE : 20.00

This permit is not valid unless BY:  
stamped or certified paid by the  
City Tax Collector JCK

This permit is void unless the authorized construction is started within six months or after start of construction, project stops for twelve month period Building Permit is for structure only.  
Electrical, Plumbing, and Heating Permits must be purchased separately.





ALSO 20/021

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WINSTON-SALEM REGIONAL OFFICE



FAX TRANSMITTAL SHEET

FAX #336-771-4631

JAMES B. HUNT JR. GOVERNOR

DATE 9/29/2003

BILL HOLMAN SECRETARY

PAGES (Including this cover page) 7

TO: STEVE CAUSEY - ALLIED DESIGN
FAX #: 760-7886 PHONE #: 765-2377
FROM: TIM JEWETT
SUBJECT: MYERS LCID APPLICATION

COMMENTS: ENCLOSED IS THE LETTER FROM FORSYTH CO. WITH CONDITIONS TO BE MET PRIOR TO EXPANDING TO PHASE II. IN ADDITION, I WILL NEED THE LCID PLAN TO SHOW PROGRESSION IN 5-YR INCREMENTS PER 0863(4); A RESPONSE LETTER FROM CULTURAL RESOURCES REGARDING ENDANGERED SPECIES; AND A SITE CONTROL PLAN APPROVAL LETTER FROM LQ OR FORSYTH CO. PRIOR TO ISSUING ANY PERMIT FOR LANDFILL OPERATIONS.

IF YOU DO NOT RECEIVE THE NUMBER OF PAGES INDICATED, PLEASE CALL:

TIM JEWETT AT 336-771-4608, EXT. 204



REC

OCT 15 02

N.C. DEPT. OF ENVIRONMENT  
AND NATURAL RESOURCES  
REGIONAL OFFICE

October 11, 2002

North Carolina Department of  
Environment and Natural Resources  
C/O James Bealle  
919 N. Main Street  
Mooresville, NC 28115

RECEIVED  
N.C. Dept. of ENR  
OCT 16 2002  
Winston-Salem  
Regional Office

Re: Shallowford Road Landfill owned by Herbert  
G. Myers

Dear Mr. Bealle:

After review by this office, it has been determined that Mr. Myers was previously approved for Phase II of his landfill on May 8, 1997. The conditions prior to expanding into Phase II are as follows:

- a. The expansion of this landfill in the Phase II area shall be approved by the North Carolina Department of Environment, Health and Natural Resources prior to the issuance of any permits of this site.
- b. This property lies within the Yadkin River WS-IV State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer.
- c. Developer shall obtain an erosion control permit from the Inspections Division of the City of Winston-Salem.
- d. Developer shall obtain a grading and zoning permit from the Inspections Division of the City of Winston-Salem and a permit from the North Carolina Department of Environment, Health and Natural Resources.
- e. Developer shall file a Reclamation plan for the reuse of this property with the Forsyth County Register of Deeds office and the Inspections Division of the City of Winston-Salem.
- f. A type III bufferyard shall be installed along all adjoining residential property lines where this LCID landfill adjoins RS-40 zoning and the landfill is within 100

2

feet of that property line.

- g. Applicant may accept only waste consistent with the definition of "Landfill, Land Clearing and Inert Debris" contained in the U.D.O.
- h. Developer obtain a Special Use Permit from the Forsyth County Zoning Board of Adjustments for the separation, processing, storage, or wholesale sale of materials received through the lawful operation of the LCID on the site as an accessory use.
- i. Meet all use conditions of Section 2-5.37 of the Unified Development Ordinance. (See attached)

If you need further assistance, feel free to contact me at (336)727-2819.

  
Jeff Vaughn  
Zoning Inspector  
City of Winston-Salem  
Inspections Division

cc: Herbert G. Myers, Developer  
Jim Bryan, Forsyth County Health Department

- (E) **Landscape Plantings**  
Landscape plantings meeting the standards of the type IV bufferyard, defined in Section 3-5 of this Ordinance, are required in the bufferyard area along all property lines and public rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings with approval of the Zoning Officer.
- (F) **Fencing**  
A chain link security fence, minimum six (6) feet in height, shall enclose the entire site. The fence may be placed inside the one hundred (100) foot bufferyard area with approval of the Zoning Officer.
- (G) **Access**  
Vehicular access to the landfill site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Director of Public Works for the City of Winston-Salem or the North Carolina Department of Transportation for Forsyth County.
- (H) **Reclamation Plan**  
Developer shall file in the office of the Register of Deeds, prior to issuance of a certificate of occupancy, a reclamation plan for the reuse of the site. Such plan shall indicate that the developer, or other entity approved by the Elected Body, shall remain the owner and be liable for the site forever or until the Elected Body approval is given to release this requirement.
- (I) **Burial of Organic Material (W)**  
The burial of trees, brush, stumps, limbs, or other organic material must comply with Section 4-6 of the code of the City of Winston-Salem.

#### 2-5.37 LANDFILL, LAND CLEARING AND INERT DEBRIS

- (A) **State Law**  
Land clearing and inert debris landfills (LCID) shall comply with State law.
- (B) **Exemption**
- (1) **Beneficial Fill.** Land clearing and inert debris landfills which affect areas 10,000 square feet or less and in which the fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt, shall be exempt from the use conditions of this section and either the Planning Board Review or Board of Adjustment Special Use Permit requirements specified in Table 2.6 (Permitted Uses).
  - (2) **Within Subdivisions.** Land clearing and inert debris landfills operated by a developer or builder in conjunction with active development of section(s) of a subdivision within five (5) years of final plat approval, including land grading, removal or filling within the subdivision where the fill material is obtained from within the subdivision and is placed on sites within said section(s) of a subdivision, are exempt from the use conditions of this section and the Special Use Permit requirements specified in Table 2.6 (Permitted Uses).

(C) **Access**

Access to the land clearing and inert debris landfill area shall be controlled with security fencing or other barrier to vehicular access.

(D) **Fencing**

Land clearing and inert debris landfills which are residentially zoned and lie within a block in which at least fifty percent (50%) of the lots are developed, or where either of the adjacent lots are developed, shall be completely enclosed with security fencing of a minimum six (6) feet in height. Any existing natural or constructed barrier approved by the Zoning Officer may be used in place of part of the fencing.

(E) **Bufferyard and Landscaping**

No bufferyard landscaping according to Section 3-5 is required if a permit for the land clearing and inert debris landfill is granted for less than six (6) months and the land clearing and inert debris landfill site remains at least one hundred (100) feet off the property line, and the intervening area is left undisturbed. Where a bufferyard is required, a land clearing and inert debris landfill is considered a high intensity use. Streetyard landscaping meeting the standards of Section 3-4 shall be installed on the outside of the security fencing along any adjacent public street right-of-way. (W)

No bufferyard landscaping according to Section 3-5 is required if a permit for the land clearing and inert debris landfill is granted for less than six (6) months. Where a bufferyard is required, a land clearing and inert debris landfill is considered a high intensity use. Streetyard landscaping meeting the standards of Section 3-4 shall be installed on the outside of the security fencing along any adjacent public street right-of-way. (K)

No bufferyard landscaping according to Section 3-5 is required if a permit for the land clearing and inert debris landfill is granted for less than six (6) months, or the land clearing and inert debris landfill site remains at least one hundred (100) feet off the property line and the intervening area is left undisturbed. Where a bufferyard is required, a land clearing and inert debris landfill is considered a high intensity use. Streetyard landscaping meeting the standards of Section 3-4 shall be installed on the outside of the security fencing along any adjacent public street right-of-way. (F,C,L)

(F) **Permit Duration and Renewals**

The Board of Adjustment shall issue permit approvals for land clearing and inert debris landfills which shall be valid for a maximum of three (3) years, after which time renewals may be granted for up to three (3) years at a time. (W)

Any land clearing and inert debris landfills which received approval from the State of North Carolina Department of Environment, Health, and Natural Resources and were established prior to December 31, 1994, and for which a valid State permit has been continuously maintained shall not be required to obtain a special use permit from the Board of Adjustment. All other land clearing and inert debris landfills must obtain a special use permit from the Board of Adjustment. Said permit shall be valid for a maximum of three (3) years, after which time renewals may be granted for up to three (3) years at a time. (F,C,K,L)

(G) **State Permit Approval**

No permits or site plans for land clearing and inert debris landfills shall be approved until all plans, including plans for rehabilitation of sites, have been reviewed and approved by the North Carolina Department of Environment, Health, and Natural Resources.

**(H) Rehabilitation/Reuse Plan**

Developer shall file in the office of the Register of Deeds, prior to the issuance of a certificate of occupancy, a record of use of the site for a landfill and a rehabilitation/reuse plan for the site. Said plan shall be implemented by the owner of the site within six (6) months of discontinuance of the land clearing and inert debris landfill operation or expiration of the permit. The owner or operator of the land clearing and inert debris landfill site shall post a closure bond with the North Carolina Department of Environment, Health, and Natural Resources for an amount equaling six thousand dollars (\$6,000) per acre of the landfill area at the time of plan approval to insure rehabilitation of the site. (W)

Developer shall file in the office of the Register of Deeds a record of use of the site for a landfill and a rehabilitation/reuse plan for the site, prior to issuance of a zoning or grading permit. Said plan shall be implemented by the owner of the site within six (6) months of discontinuance of the land clearing and inert debris landfill operation or expiration of the permit. (F,C,K,L)

**(I) Temporary Discontinuance**

Notice of intent to discontinue temporarily a land clearing and inert debris landfill shall be filed with the Zoning Officer in advance of such temporary discontinuance. Notice of intent to discontinue permanently a land clearing and inert debris landfill operation shall be filed with the Zoning Officer not less than three (3) months in advance.

**(J) Maintenance**

During any period that a land clearing and inert debris landfill operation is temporarily discontinued, the site, along with all structures, machinery, and fencing shall be properly maintained in a safe and orderly condition.

**(K) Schedule for Improvements**

All land clearing and inert debris landfills existing as of the effective date of this Ordinance shall comply with all requirements of this section within two (2) years of the effective date of this Ordinance.

**(L) Siting Criteria**

The siting criteria for land clearing and inert debris landfills, found in Solid Waste Management Rules, 15 A NCAC 138, Section .0564, shall be followed.

**(M) Burial of Organic Material**

The burial of trees, brush, stumps, limbs, or other organic material must comply with Section 10-35 of the Code of the City of Winston-Salem. (F,W,C,L)

**(N) Accessory Uses**

The Zoning Board of Adjustment may issue a permit for the separation, processing, storage, or wholesale sale of materials received through lawful operation of the land clearing and inert debris (LCID) landfill on the site as an accessory use on the site of an LCID, provided such activities occur within the original boundaries of the State-approved LCID landfill and are conducted at least one hundred feet from any adjacent zoning lot zoned RS or RM. No permit shall be required for those land clearing and inert debris (LCID) landfills established prior to December 31, 1994, to which subsection (F) applies. (F,W,C,L)

The Zoning Board of Adjustment may issue a permit for the separation, processing, storage, or wholesale sale of materials received through lawful operation of the land clearing and inert debris

(LCID) landfill on the site as an accessory use on the site of an LCID, provided such activities occur within the original boundaries of the State-approved LCID landfill and are conducted at least one hundred feet from any adjacent zoning lot zoned RS or RM. (K)

(O) **Hours of Operation**

In RS and RM Districts, the hours of operation shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. (F.C.K.L)

## 2-5.38 LANDFILL, SANITARY

Approval of a special use permit by the Elected Body shall be subject to the following conditions:

(A) **Prohibited Districts**

Landfills, sanitary, shall not be permitted as a principal or accessory use in RS Districts in Growth Management Areas 1, 2 and 3.

(B) **Compliance with State and Federal Laws**

The establishment and operation of any landfill must comply with all applicable federal and State laws.

(C) **Watersheds, Floodplains, and Wetlands**

No landfill disposal areas shall be located in a floodplain or wetland area, nor block a natural drainage way so that water is impounded. No new landfills shall be located in a designated water supply watershed. Expansion of legally existing landfills in water supply watersheds shall be permitted. The expansion is limited to contiguous land area and must be in accordance with North Carolina Solid Waste Rules and other provisions of this Ordinance.

(D) **Bufferyard**

A minimum one hundred (100) foot bufferyard area is required along all property lines and public rights-of-way. No landfill activities, including parking, access roads, buildings, or disposal shall occur in the bufferyard area. Roads for access to the site may cross the one hundred (100) foot area and monitoring wells may be located within the one hundred (100) foot area. All existing trees within the bufferyard area shall be preserved, except to allow for construction of necessary road crossings and monitoring wells.





**ALLIED LAND SURVEYING CO., P.A.**

4720 KESTER MILL ROAD  
WINSTON-SALEM, NC 27103  
(336) 765-2377 FAX (336) 760-8886  
E-MAIL ASURVEY@ACL.COM

RECEIVED  
N.C. Dept. of EHNR  
SEP 23 2003  
Winston-Salem  
Regional Office

September 15, 2003

Timothy A. Jewett  
Western Area Engineer  
Solid Waste Section, Division of Waste Management  
North Carolina Department of Environment and Natural Resources  
585 Waughtown Street  
Winston-Salem, North Carolina 27107

**SUBJECT: MYERS LAND CLEARING AND INERT DEBRIS LANDFILL  
LEWISVILLE, NORTH CAROLINA  
ALS PROJECT NO.: 4538**

Dear Mr. Jewett:

Please find enclosed a letter from the Soil Scientist, Richard Farris, who performed an evaluation of two backhoe pits to determine the presence and depth of the water table.

If you have any questions with regard to the enclosed letter please feel free to contact our office.

Sincerely,

Richard P. Bennett, PLS

cc Herb Myers, owner

August 15, 2003

Mike Causey  
Allied Surveying  
4720 Kester Mill Road  
Winston-Salem, NC 27103

On June 26, 2003, I performed an evaluation of 2 backhoe pits at Myers LCID on Shallowford Road in Lewisville, NC to determine the presence of and depth of the water table. The two pits were located on the lower side and foot slope of the landscape. No evidence of a perched, seasonal or permanent water table was present within 7 feet of the ground surface. The ground surface elevation at the first pit was 806.4 feet and the ground surface elevation at the second pit was 802.8 feet. The top 17" of the profile was dark reddish brown (5YR 3/4) clay loam and sandy clay loam underlain by saprolite.

If you have any questions regarding the evaluation or report contact me at (336) 761-8184.

Sincerely,

A handwritten signature in cursive script that reads "Richard Farris".

Richard Farris, RS  
Licensed Soil Scientist # 1132



# Allied Design, Inc.

CIVIL ENGINEERING ♦ LAND SURVEYING

RECEIVED  
N.C. Dept. of ENR

JUN 23 2003

Winston-Salem  
Regional Office

June 23, 2003

Timothy A. Jewett  
Western Area Engineer  
Solid Waste Section, Division of Waste Management  
North Carolina Department of Environment and Natural Resources  
585 Waughtown Street  
Winston-Salem, NC 27107

**SUBJECT: MYERS LAND CLEARING AND INERT DEBRIS LANDFILL  
REVISED PERMITTING DRAWINGS AND OPERATIONAL PLAN  
LEWISVILLE, NORTH CAROLINA  
ADI PROJECT NO.: ALS028/4538**

Dear Mr. Jewett:

On behalf of Mr. Herb Myers, we are pleased to submit the enclosed information for your review and approval.

Please find enclosed five copies of the revised Section IV of "Permitting and Operations Manual" for the Myers LCID Landfill located off of Shallowford Road in Lewisville and five copies of the permit drawings sheets C1, C2, C2A, C3 and C4 as issued, "Revised per NCDENR Comments, dated 6/19/03. This information has been revised from our original submittal and is being provided for approval of a five-year permit to operate the LCID landfill and a "Treatment and Processing Facility".

Please be advised that we will be submitting the erosion control/grading permit application to the Winston-Salem/Forsyth County Inspections Division, Erosion Control office in the near future. We will provide notification of their approval for your records.

Should you have any questions or need any additional information, please contact me at 765-2377. We appreciate your assistance with this project.

Sincerely,

Steve M. Causey, P.E.

cc: Mr. Herb Myers



LAW OFFICES

WHITE AND CRUMPLER

301 NORTH MAIN STREET, SUITE 1100  
WINSTON-SALEM, NORTH CAROLINA 27101-3899

TELEPHONE 336-725-1304  
TELEFAX 336-761-8845

FRED G. CRUMPLER, JR.  
G. EDGAR PARKER  
DAVID B. FREEDMAN  
DUDLEY A. WITT  
LAURIE A. KELLY

JONES P. BYRD, JR.

FRED S. HUTCHINS, JR.  
OF COUNSEL

JAMES G. WHITE  
1924-1974  
OF COUNSEL

BARBARA C. WESTMORELAND  
1984-2000

CLYDE C. RANDOLPH, JR.  
1992-1995

FRANK M. ARMSTRONG  
1976-1979

April 21, 2003

Ms. Lauren M. Clemmons  
Assistant Attorney General  
Environmental Division  
State of North Carolina  
Department of Justice  
P.O. Box 629  
Raleigh, NC 27602-0629

Re: Herbert G. Myers, Landfill, Shallowford Road, Lewisville,  
North Carolina, Expired Permit

Dear Ms. Clemmons:

Thank you for your response to my correspondence of March 27, 2003. Your statutory reference of controlling statutes have been helpful to me. After reviewing these I have discussed this matter with Mr. Myers.

Mr. Myers is of a cooperative disposition and I am hopeful that we can resolve the matters in dispute. I am enclosing, for your reference, the original permit issued on February 23, 1990. Prior to obtaining this permit, the U.S. Corps of Engineers, which was necessary for the issue of the original permit, specified the leachate procedure, which Mr. Myers followed and it was inspected and approved by the Corps of Engineers which was, at that time, necessary for the issuance of the original permit.

Thereafter Mr. Myers, accepting inert debris, and did so for several years. He then ceased accepting any wood products in the landfill and invested approximately \$450,000 in equipment to convert the stumps and wood products into mulch. This operation proceeded efficiently with the landfill accepting inert debris except for wood products such as stumps, which were converted into mulch which was then being used for landscaping and other similar purposes.

A perplexing problem which Mr. Myers is confronted with is as follows. Forsyth County, through its Board of Commissioners, now prohibits the operation of a mulching process unless it coexists with a landfill. It appears that the State prohibits the operation of a mulching process if it is co-existent with a landfill. Apparently there is some effort underway as a result of the last conference cited in the audit report to try to resolve these differences. During the meantime, this

operation has been discontinued by Mr. Myers until he can get clarification of what he should do. The loss which he is incurring ranges from approximately \$500 to \$1,000 per day in income.

Mr. Myers, as I understand it, has complied with all of the other suggestions to the extent possible. This includes disposing of tires, which incidentally were located on the property when he purchased the property, but not accepted by him for disposal. These tires were delivered to Lewisville Motor Company, Inc., which has a lawful permit to dispose of tires and were disposed of lawfully. All other debris mentioned has been removed from the property and Mr. Myers is attempting to comply with the slope inclination angle as per suggestion. However, because of the extremely wet and inclement weather, he has been unable to do this, but will do so at the earliest time he is able to. I will be most appreciative if this matter can proceed in an amiable way in order that all of these matters can be clarified and that he continue his business. It appears that he is fulfilling a valuable service to our community. His customers include the City of Winston-Salem, and, incidentally, the State of North Carolina. He was accepting concrete and wood products from the State until Mr. Bealle, one of the officers involved, advised that his operation had been shut down and that he could not legally accept the concrete. As I read the statute, there is not even a requirement of a permit to accept inert material, which includes concrete.

I would be most appreciative if you would review this information and contact me.

In extending my kindest regards, I remain,

Sincerely yours,

Fred G. Crumpler, Jr.

FGCjr/ks

✓ CC: Mr. Timothy A. Jewett  
Western Area Engineer  
585 Waughtown Street  
Winston-Salem, NC 27107