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SOLID WASTE SECTION

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Fee Amt: $53.00 Page 1 of 14
Lenoir County, NC
Margaret Seymour Register of Deeds
BK 1596 PG 862-875

INDEXED

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

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

Lenoir County, N.C. Register of Deeds				
Book	Page	Grantor	Grantee	Acres*
942	774 - 776	William A. Rouse and wife, Carol S. Rouse	Lenoir County	121.8
		Total Site Acreage	121.8 acres	

*The landfill facility property, including buffers, occupies approximately 121.8 acres. The waste footprints of the MSWLF are approximately 40 acres.

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

Return: Lenoir County Finance Dept.
att: Tommy

1488
53.00

NCDENR

North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue, Governor | Dexter R. Matthews, Director | Dee Freeman, Secretary

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
SOLID WASTE SECTION

MUNICIPAL SOLID WASTE LANDFILL FACILITY
Permit No. 54-09

LEONIR COUNTY

is hereby issued a

PERMIT TO OPERATE

LENOIR COUNTY MUNICIPAL SOLID WASTE LANDFILL
PHASE 1

Located on NCSR 1524, west of LaGrange, Lenoir County, North Carolina, in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit. The legal description of the site is identified on the deeds recorded for this property listed in Attachment No. 1 of this permit.

DN: cn=Edward F. Mussler III, P.E., o=Solid Waste Section, ou=Permitting Branch, email=ed.mussler@ncdenr.gov, c=US
Reason: I am approving this document
Date: 2010.02.18 14:43:38 -05'00'

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

ATTACHMENT 1

PART I: PERMITTING HISTORY

Permit Type	Date Issued	Doc ID
Permit to Construct – Phase 1: Original Issuance	May 30,2003	9557
Permit to Operate (PTO) – Phase 1, Cell A	July 1, 2004	9558
Permit Modification (PTO) – Phase 1, Cells A & B	September 21, 2004	9559
Permit 5-yr Review Amendment (PTO) – Phase 1	February 18, 2010	8996

PART II: LIST OF DOCUMENTS FOR THE APPROVED PLAN

1. *Site Suitability Hydrogeologic Report, Lenoir County Municipal Solid Waste Landfill (MSWLF), Lenoir County, North Carolina.* Prepared by Municipal Engineering Service Company (MESCO), PA. Submitted August 1998, revised through July 8, 2002.

2. *MSWLF Facility Site Study for Lenoir County,* Prepared by MESCO. August 1998, revised through October 2002.

3. *MSWLF Facility Permit to Construct – Phase 1 for Lenoir County,* Prepared by MESCO. October 2002, revised through March 26, 2003.

4. *Design Hydrogeologic Report – Phase 1 for Lenoir County,* Prepared by MESCO. October 14, 2002, revised through January 31, 2003.

5. *Construction Quality Assurance Report – Phase 1 for Lenoir County MSWLF, Volume 1.* Prepared by MESCO. April 5, 2004.

6. *Construction Quality Assurance Report – Phase 1 for Lenoir County MSWLF, Book 2 of 2, Sections 3, 4, and 5.* Prepared by MESCO. April 23, 2004, amended May 18, 2004.

7. Record As-Built drawings (complete for Cell A and leachate lagoon), submitted by MESCO. June 22, 2004.

8. Geosynthetic Liner CQA for Leachate Lagoon, submitted by MESCO on June 22, 2004.

9. Letter dated November 4, 2009 form D. Wayne Sullivan with MESCO to Ming-Tai Chao requested a permit extension for consuming the remaining operation air space, approximately 165, 788 cubic yards of the Phase 1 area. (Doc ID 8868)

PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Lenoir County, N.C. Register of Deeds				
Book	Page	Grantor	Grantee	Acres*
942	774 - 776	William A. Rouse and wife, Carol S. Rouse	Lenoir County	121.8
Total Site Acreage			121.8 acres	

* The landfill facility property, including buffers, occupies approximately 121.8 acres. The waste footprints of the MSWLF are approximately 40 acres.

PART IV: GENERAL PERMIT CONDITIONS

1. This permit is issued by the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section (Section). In accordance with North Carolina Solid Waste Management Rule 15A NCAC 13B .0201(d), a solid waste management facility permit shall have two parts: a Permit to Construct and a Permit to Operate. The Permit to Operate shall expire February 18, 2015 and must be implemented in accordance with Attachment 3 of this permit.

2. The persons to whom this permit is issued ("permittee") are the owners and operators of the solid waste management facility.

3. This permit shall not be effective until the certified copy of this permit which references legal descriptions for all land within the solid waste management facility boundary is recorded in the Register of Deeds office and indexed in the grantor index under the name of the owner of the land in the county or counties in which the land is located. The certified copy of the permit, affixed with the Register's seal and the date, book, and page number of recording, must be returned to the Section within 30 calendar days of issuance of this permit. If the Section does not receive the certified copy of the recorded permit within 30 calendar days of issuance of the permit, then and in that event, the permit is suspended and of no effect until the date the Section receives the certified copy of the recorded permit.

4. When this property is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer must contain in the deed description section in no smaller type than that used in the body of the deed or instrument, a statement that the property has been used as a sanitary landfill and a reference by book and page to the recordation of the permit.

5. By beginning construction or receiving waste at this facility the permittee shall be considered to have accepted the terms and conditions of this permit.

6. Construction and operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit, and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition.

7. This permit is issued based on the documents submitted in support of the application for permitting the facility including those identified in Attachment 1, "List of Documents for Approved Plan," and which constitute the approved plan for the facility. Where discrepancies exist, the most recent submittals and the Conditions of Permit shall govern.

8. This permit may be transferred only with the approval of the Section, through the issuance of a new or substantially amended permit in accordance with applicable statutes and rules. In accordance with NCGS 130A-295.2(g), the permittee must notify the Section thirty (30) days prior to any significant change in the identity or business structure of either the owner or the operator, including but not limited to, a proposed transfer of ownership of the facility or a change in the parent company of the owner or operator of the facility.

9. The permittee is responsible for obtaining all permits and approvals necessary for the development of this project including approval from appropriate agencies for sedimentation and erosion control, and a General or Individual National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit, if applicable. Issuance of this permit does not remove the permittee's responsibilities for compliance with any other local, state or federal rule, regulation or statute.

- End of Section -

ATTACHMENT 2
CONDITIONS OF PERMIT TO CONSTRUCT

1. Construction of any MSWLF future phases or cells requires written approval of the Section. Application for a Permit to Construct must be prepared in accordance with applicable statutes and rules in effect on that date and will be subject to a permitting fee.

- *End of Section* –

ATTACHMENT 3
CONDITIONS OF OPERATING PERMIT

PART I: OPERATING CONDITIONS

1. This permit shall expire February 18, 2015. Pursuant to 15A NCAC 13B .0201(g), no later than August 15, 2015, the permittee must submit a request to the Section for permit review and must update pertinent facility plans in accordance with 15A NCAC 13B .1617 (b).

2. This permit approves the continued operation of Phase 1 of the landfill, consisting of Cells A and B as well as the onsite environmental management and protection facilities as described in the approved plans.

3. This permit is for operational approval of a disposal capacity of approximately 165,788 cubic yards, which is the remnant of the total capacity of 658,424 cubic yards for 10.53-acre Phase 1 area. Operations shall be consistent with the final contours as shown on Drawing No. PR / Sheet No. 1 of 1 for operating capacity to approximate elevation 184 feet at mean seal level with the maximum 4 to 1 side slopes, and the estimated service life of the landfill will be ended in 2011, as stated in Attachment 1, Part II, Document No. 9.

4. The Lenoir County MSW landfill provides a total capacity of approximately 3 million cubic yards which include waste, daily and intermediate covers but excludes final cover, consistent with the final contours with the maximum 4 to 1 side slopes shown on Drawing No. F4 / Sheet No. 6 of 6, as stated in Attachment 1, Part II, Document No. 3. The following table lists the dimensions and details for the MSW landfill units, both existing and planned. The estimated life of the landfill, is approximately 23 years from 2004, as stated in the approved documents.

Phase/Cell	**Area (acres)**	**Gross Capacity (cubic yards)**
Phase 1	10.53	676,789
Phase 2	14.4	
Phase 3	9.5	
Phase 2 & 3 - Vertical Expansion	-	2,139,462
Phase 4	4.9	193,148
Total	39.33	3,009,399

5. The facility is approved to accept approximately 52,500 tons per year, based on the average disposal rate of approximately 183 tons per day (5.5 days per week) and approximately 4,375 tons per month as stated in Document 3, Attachment 1, Part II, with a maximum variance in accordance with GS 130A-294(b1)(1).

6. The permittee is required to make application for a permit amendment for subsequent phases of landfill development, in accordance with NCGS 130A-295.8(b)(2).

7. The permittee must maintain permanent markers that accurately identify the edge of the approved waste disposal boundary.

8. This facility is approved to receive solid waste generated within Lenoir County and the municipalities within Lenoir County consistent with the local government waste management plan and with local government approval and as defined in G.S. 130-290 (a)(35), except where prohibited by the N. C. General Statues Article 9 of Chapter 130A, and the rules adopted by the Commission for Health Services. The following, at a minimum, must not be accepted for disposal at the facility: hazardous waste, yard trash, white goods, tire, recyclable rigid plastic bottle, wooden pallets, motor vehicle oil filters, liquid wastes, regulated medical waste, sharps not properly packaged, PCB waste as defined in 40 CFR 761, and wastes banned from disposal in North Carolina by G.S. 130A-309.10(f).

9. The facility is permitted to co-dispose of wastewater treatment sludge generated within the facility's approved service area, subject to the terms and procedures of the approved plan.

10. Regulated asbestos-containing material as defined in 40 CFR 61 must be managed in accordance with 40 CFR 61. Disposal of asbestos waste must be in accordance with 15 NCAC 13B .1626(d).

11. The permittee must not knowingly dispose of any type or form of municipal solid waste that is generated within the boundaries of a unit of local government that by ordinance:

    a. Prohibits generators or collectors of municipal solid waste from disposing of that type or form of municipal solid waste.

    b. Requires generators or collectors of municipal solid waste to recycle that type or form of municipal solid waste.

12. The facility operator must complete an approved operator training course in compliance with G.S. 130A-309.25.

    a. A responsible individual certified in landfill operations must be on-site during all operating hours of the facility at all times while open for public use to ensure compliance with operational requirements.

    b. All pertinent landfill-operating personnel must receive training and supervision necessary to properly operate the landfill units in accordance with G.S. 130A-309.25 and addressed by memorandum dated November 29, 2000.

13. The permittee must actively employ a screening program that detects and prevents the disposal of hazardous, liquid, and other unauthorized wastes. At a minimum, the program must include:

    a. Random inspections of incoming loads or other comparable procedures.

    b. Records of all inspections.

    c. Training of personnel to recognize hazardous, liquid and other excluded waste types.

    d. Development of a contingency plan to properly manage any identified hazardous, liquid, or other excluded or unauthorized wastes. The plan must address identification, removal, storage and final disposition of these wastes.

14. The use of alternative daily cover requires approval, prior to implementation, by the Section. Requests for alternative daily cover approval must include a plan detailing the comprehensive use and a demonstration of the effectiveness of the alternative daily cover. The plan must be developed according to Section guidelines. Plans which are approved by the Section will be incorporated into, and made a part of, the approved documents listed in Attachment 1.

15. The facility must maintain records for all solid waste materials accepted as alternative cover material and used as alternate daily cover. The records must include: the date of receipt, weight of material, general description of the material, identity of the generator and transporter, and county of origin. Such records must be made available to the Section upon request.

16. The use of leachate recirculation as a leachate management tool requires approval by the Section prior to implementation. Requests for leachate recirculation approval must include a comprehensive management plan developed according to Section guidelines and which is consistent with the approved operation plan. Plans which are approved by the Section will be incorporated into, and made a part of, the approved documents listed in Attachment 1.

17. The leachate collection system must be maintained in accordance with 15A NCAC 13B .1626(12)(a), the approved maintenance plan as contained in Document3, Part II, Appendix 1 and the permit condition stated below:

    a. For any cell(s) constructed utilizing on-site native soil as protective cover, the leachate collection lines shall be cleaned at least once per year and remote camera inspection completed once every five (5) years. The Section may consider reduction in frequency for cleaning and inspection, upon written request from the permittee, after the first five years, pending the documented results of the cleaning and remote camera inspection.

    Documentation of the leachate line inspections, and cleaning and monitoring must be included in the operating records of the facility and provided to the Section upon request.

18. Financial assurance as required by state rules and statutes must be continuously maintained for the duration of the facility in accordance with applicable rules and statutes. The permittee must annually adjust cost estimates including closure and post-closure activities for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument, pursuant to 15A NCAC 13B .1628.

19. A closure and post-closure plan must be submitted for approval at least 90 days prior to closure or partial closure of any landfill unit. The plan must include all steps and measures necessary to close and maintain the unit in accordance with all rules in effect at that time. At a minimum, the plan must address the following:

    a. Design of a final cover system in accordance with 15 NCAC 13B .1627, or the solid waste management rules in effect at the time of closure;

    b. Construction and maintenance/operation of the final cover system and erosion control structures; and

    c. Surface water, ground water, and explosive gas monitoring.

20. All sedimentation and erosion control activities must be conducted in accordance with the Sedimentation Control Act N.C.G.S. 113A-50, et seq., and rules promulgated under 15A NCAC 4.

Monitoring and Reporting Requirements

21. Monitoring groundwater, surface waster and explosive gas at this MSWLF unit must be conducted as prescribed by the appropriate requirements of 15A NCAC 13B .1630 -1637, .0602, and .1626(4), respectively, and as described in the approved plans as stated in Document 3, Attachment 1, Part II.

22. A total of six (6) ground water wells (MW-13 [background well], MW-14 through MW-18), one (1) surface water locations (SW-3), four (4) methane gas probes (MP-5 through MP-8), and one leachate sample location (LAGOON), comprise the approved monitoring network for the Phase 1 MSWLF unit. Groundwater, surface water, leachate, and methane gas monitoring locations must be established and monitored as identified in the approved plans as stated in Document 3, Attachment 1, Part II.

23. A licensed geologist must be present to supervise the installation of groundwater monitoring wells. The exact locations, screened intervals, and nesting of the wells must be established after consultation with the Section Hydrogeologist at the time of well installation.

24. Ground water monitoring wells and surface water sampling locations must be sampled for Appendix I constituents at least semi-annually according to the specifications outlined in the approved water quality monitoring plan and the current policies and guidelines of the Section in effect at the time of sampling. Methane monitoring must be conducted quarterly, unless otherwise specified by the Section.

25. Hydraulic conductivity and effective porosity values must be established for each screened interval at each monitoring well in order to develop groundwater flow characteristics.

26. Untreated leachate must be sampled and analyzed at least semi-annually concurrently with the groundwater water and surface water sampling, one sample per event. The leachate must be analyzed for all Appendix I constituents, pH, specific conductance, BOD, COD, nitrates, sulfates, and phosphates. Test results must be submitted to the Section along with groundwater and surface water test results. In the event leachate is recirculated, additional leachate sampling may be required.

27. The four independent samples which comprise the initial baseline sampling event must be collected from each groundwater monitoring well and the report must be submitted to the Section within six months after issuance of the Permit to Operate.

28. Reports of the analytical data for each monitoring event must be submitted to the Section within 120 days of the respective sampling event. The permittee must provide a plan sheet-sized, scaled topographical map, showing the location and identification of new, existing, and abandoned wells and piezometers after installation of groundwater monitoring wells. Analytical data must be submitted in a manner prescribed by the Section. Records of all groundwater, surface water, and leachate analytical data must be kept as part of the permanent facility record.

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

30. A field log book which details all development, sampling, repair, and all other pertinent activities associated with each monitoring well and all sampling activities associated with each surface water and leachate sampling location must be kept as part of the permanent facility record.

31. All well construction records and soil boring logs for new wells must be submitted to the Solid Waste Section Hydrogeologist for review within 30 days of completion.

32. Within thirty (30) days of the abandonment of any monitoring well/probe, the well abandonment record (GW-30 form) and any additional information included in the abandonment record must be submitted to the Section. The well abandonment records must be submitted to the Section consistent with 15A NCAC 2C .0114(b) and be certified by a Licensed Geologist.

33. All forms, reports, maps, plans, and data submitted to the Section must include an electronic copy.

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

35. The permittee must maintain a record of the amount of solid waste received at the landfill unit, compiled on a monthly basis. Scales must be used to weigh the amount of waste received.

36. On or before August 1 annually, the Permittee must submit an annual facility report to the Solid Waste Section, on forms prescribed by the Section.

    a. The reporting period shall be for the previous year beginning July 1 and ending June 30.

    b. The annual facility report must list the amount of waste received and landfilled in tons and be compiled:

        i) On a monthly basis.
        ii) By county, city or transfer station of origin.
        iii) By specific waste type.
        iv) By disposal location within the facility.
        v) By diversion to alternative management facilities.

    c. A measurement of volume utilized in the landfill cells must be performed during the second quarter of the calendar year. The date and volumes, in cubic yards, must be included in the report.

    d. The amount of waste, in tons from scale records, disposed in landfill cells from July 1, 2004 through the date of the annual volume survey must be included in the report.

    e. The completed report must be forwarded to the Regional Waste Management Specialist for the facility by the date due on the prescribed annual facility report form.

    f. A copy of the completed report must be forwarded to each county manager for each county from which waste was received at the facility. Documentation that a copy of the report has been forwarded to the county managers must be sent to the Regional Waste Management Specialist by the date due on the prescribed annual facility report form

-End of Conditions-

I do hereby certify that the attached PERMIT TO OPERATE is an exact and true original of PERMIT NUMBER 54-09 for the Lenoir County MSW Landfill.

Ming-Tai Chao, P.E.
Environmental Engineer II
Solid Waste Section
Division of Waste Management

North Carolina
Wake County

I, Betty Jo Stanfield, Notary Public for Wake County, North Carolina, do hereby certify that Ming-Tai Chao, Engineer of the Permitting Branch, Solid Waste Section, Division of Waste Management, NCDENR, personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal,

This the 19 day of February, 2010.

OFFICIAL SEAL

Betty Jo Stanfield
NOTARY PUBLIC

Betty Jo Stanfield NOTARY * * * PUBLIC Wake County, NC

My commission expires December 29, 2014.

Note to Register of Deeds: This certified original permit shall be recorded by the Register of Deeds and indexed in the grantor index under the name of the land owner. The certified original affixed with the Register's seal and the date, book, and page number of recording shall be returned to the Permitting Branch Supervisor, Division of Waste Management, Solid Waste Section, 1646 Mail Service Center, Raleigh, NC 27699-1646.