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North Carolina Department of Environment and Natural Resources
Division of Land Resources
Land Quality Section

James D. Simons, PG, PE
Director and State Geologist

February 23, 2011

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

RECEIVED
February 28, 2011 via an e-mail
Solid Waste Section
Raleigh Central Office

LETTER OF APPROVAL WITH MODIFICATIONS

Lenoir County
ATTN: Mr. Michael W. Jarman, County Manager
Post Office Box 3289
Kinston, North Carolina 28502



RE: Erosion and Sedimentation Control Plan No. LENOI-2011-013
Project Name: MSW Landfill Phase 2 Reclamation
Location: SR 1524 County: Lenoir
River Basin: Neuse
Date Received by LQS: February 11, 2011
Acres Approved: 13 Project Type: New
Project Description: Reclamation of previously disturbed area around existing borrow source in the Proposed MSW PH 7 as shown on the submitted plan last revised to January 20, 2011

Dear Sir:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval with Modifications. The modifications required for approval are listed on the attached pages. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as required by 15A NCAC 4B.0129, unless modified by other legislation.

Please be advised that 15A NCAC 4B.0118(a) requires that a copy of the approved erosion and sedimentation control plan be on file at the job site. Also, you should consider this letter as giving the Notice required by G.S. 113A-61.1(a) of our right of periodic inspection to ensure compliance with the approved plan.

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

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations and rules. In addition, local city or county ordinances or

Lenoir County
ATTN: Mr. Michael W. Jarman, County Manager
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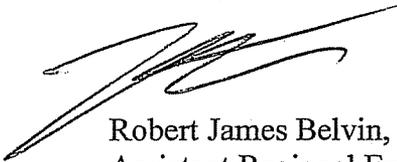
rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please be aware that your project will be covered by the enclosed NPDES General Stormwater Permit NCG010000 (Construction Activities). You should first become familiar with all of the requirements for compliance with the enclosed permit.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility/Ownership Form, which you have submitted. You are required to file an amended form if there is any change in the information included on the form. In addition, 15A NCAC 4B.0127(c) requires that you notify this office of the proposed starting date for this project (using the enclosed Project Information Sheet). Please notify us if you plan to have a preconstruction conference.

Please be advised that a rule to protect and maintain existing buffers along watercourses in the Neuse River Basin became effective on July 22, 1997. The Neuse River Riparian Area Protection and Maintenance Rule (15A NCAC 2B.0233) applies to the 50-foot wide zone directly adjacent to surface waters (intermittent streams, perennial streams, lakes, ponds, and estuaries) in the Neuse River Basin. For more information about this riparian area rule, please contact the Division of Water Quality's Wetland/401 Unit at 919-733-1786, or DWQ in our regional office at 252-946-6481.

Sincerely,



Robert James Belvin, P.E.
Assistant Regional Engineer

Enclosures

cc w/o enc: Jimmy D Woodie, PE, Municipal Engineering Services
Alton Hodge, Division of Water Quality
LENOI-1996- landfill borrow site (4/2/1996)

1. **AS THE DECLARED RESPONSIBLE PARTY, YOUR LEGAL RESPONSIBILITY** is to understand the Act and comply with the following minimum requirements of the Act:
 - A. In the event of a conflict between the requirements of the Sedimentation Pollution Control Act, the submitted plan and/or the contract specifications, the more restrictive requirement shall prevail;
 - B. The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan;
 - C. The **LATEST APPROVED** erosion and sediment control plan will be used during periodic unannounced inspections to determine compliance and a copy of the plan must be on file at the job site. If it is determined that the implemented plan is inadequate, this office may require the installation of additional measures and/or that the plan be revised to comply with state law;
 - D. All revisions, including those required by other local, state or federal agencies, which affect site layout, drainage patterns, limits of disturbance and/or disturbed acreage must be submitted to this office for approval a minimum of 15 days prior to the start of construction;
 - E. Revisions exceeding the approved scope of this project without prior approval of the plan showing the changes can be considered a violation. Failure to comply with any part of the approved plan or with any requirements of this program could result in appropriate legal action (civil or criminal) against the financially responsible party. Legal actions include Stop Work Orders and the assessing of a civil penalty of up to \$5000 for the initial violation plus an additional penalty of up to \$5000 per day for each day the site is out of compliance;
 - F. The **CERTIFICATE OF PLAN APPROVAL** must be posted at the primary entrance to the job site and remain until the site is permanently stabilized;
 - G. In cases of natural disaster related changes to the proposed land disturbing activity, all appropriate actions and adequate measure installations may be performed to prevent sediment damage, prior to submitting and receiving approval of the revised plan. A revised plan must be submitted for approval as soon as possible, but no later than 15 days after all emergency actions have been performed;

- H. Erosion and sediment control measures or devices are to be constructed and/or installed to safely withstand the runoff resulting from a 10 year storm event (25 year storm event in High Quality Zones). The 10 year storm event is generally equivalent to a storm producing 6.5 - 7 inches of rain in 24 hours or at the rate of 6.5 - 7 inches of rain in 1 hour, depending on the location of the project within the region;
- I. No earthen material is to be brought on or removed from the project site, until the off-site borrow and/or disposal sites are identified as part of the erosion control plan. If an off-site borrow and/or disposal site is to be utilized, prior to the start of construction submit the name and identification number (E&SCP # or Mine Permit #) using the enclosed Project Information Sheet;
- J. Buffer zone, sufficient to restrain visible sedimentation within the 25% of the width closest to the land disturbance, must be provided and maintained between the land-disturbing activity and any adjacent property or watercourse;
- K. In order to comply with the intent of the Act, the scheduling of the land-disturbing activities is to be such that both the area of exposure and the time between the land disturbance and the providing of a ground cover is minimized;
- L. Unless a temporary, manufactured, lining material has been specified, a clean straw mulch must be applied, at the minimum rate of 2 tons/acre, to all seeded areas. The mulch must cover at least 75% of the seeded area after it is either tacked, with an acceptable tacking material, or crimped in place;
- M. New or affected cut or filled slopes must be at an angle that can be retained by vegetative cover, AND **must be provided with a ground cover** sufficient to restrain erosion **within 21 calendar days of completion of any phase (rough or final) of grading (ANNUAL RYE GRASS IS NOT** in the **APPROVED** seeding specifications **NOR** is it an **ACCEPTABLE** substitute for the providing of a temporary ground cover);
- N. A **permanent ground cover**, sufficient restrain erosion, **must be provided** within the shorter of 15 working or 90 calendar days (if in a High Quality Zone, the shorter of 15 working or 60 calendar days) after completion of construction or development on any portion of the tract (**ANNUAL RYE GRASS IS NOT** in the **APPROVED** seeding specifications **NOR** is it an **ACCEPTABLE** substitute for the providing of a nurse cover for the permanent grass cover);

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Project Name: MSW Landfill Phase 2 Reclamation

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Modifications

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- O. All sediment and erosion control details for this project must conform to the standards as shown in the current Erosion & Sediment Control Planning and Design Manual; these details must be utilized for construction and incorporated in the plan. The manual can be found online at <http://www.dlr.enr.state.nc.us/pages/publications.html#eslinks>
2. Adequate and appropriate measures must be properly installed downstream, within the limits of disturbance, of any land disturbing activity to prevent sediment from leaving the limits of disturbance, entering existing drainage systems, impacting an on-site natural watercourse or adjoining property.
3. A minimum of 30 days prior to the start of any additional phase of land disturbance, including MSW Phase 7 landfill construction, a new plan, with appropriate fee, must be submitted to this office for approval.

PROJECT INFORMATION SHEET

APPROVAL DATE: February 23, 2011

RESPONSIBLE PARTY: Lenoir County

PROJECT NAME: MSW Landfill Phase 2 Reclamation

COUNTY: Lenoir NO.: LENOI-2011-013

OFF-SITE BORROW
AND/OR DISPOSAL SITE: _____ NO.: _____

START-UP DATE: _____

CONTRACTOR: _____

ON-SITE CONTACT: _____

ON-SITE PHONE NO.: _____

OFFICE PHONE NO.: _____

**COMPLETE & RETURN THIS FORM
PRIOR TO THE START OF CONSTRUCTION TO:**

**N.C.D.E.N.R.
LAND QUALITY SECTION
ATTN: *Robert Belvin, PE*
943 WASHINGTON SQUARE MALL
WASHINGTON, NORTH CAROLINA 27889**

Chao, Ming-tai

From: Lisa Crawford [lcrawford@mesco.com]
Sent: Monday, February 28, 2011 9:11 AM
To: Chao, Ming-tai
Subject: Lenoir County PTC Phase 2 Erosion Control Approval
Attachments: ncdenr LQ approval letter.pdf

Dear Mr. Chao,

Please find attached a scanned copy of the Approval letter from Land Quality for the Erosion Control for Phase 2. If you have any questions or need any additional information please let Wayne or myself know. Thanks.

Lisa H. Crawford

Municipal Engineering Services Co., PA

P.O. Box 97

Garner, NC 27529

(919) 772-5393

lcrawford@mesco.com