



Facility Permit No. 5409-MSWLF
Lenoir County MSWLF
Permit to Construct - Phase 2
March 16, 2011
Doc. ID 13147
Page 1 of 8

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
Permit No. 54-09-MSWLF**

LENOIR COUNTY
is hereby issued a

PERMIT TO CONSTRUCT

LENOIR COUNTY MUNICIPAL SOLID WASTE LANDFILL
PHASE 2 LATERAL EXPANSION

Located at 2949 Hodges Farm Road (NC State Road 1524), approximately 9 miles northwest of Kinston, west of La Grange, 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 1 of this permit.

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

ATTACHMENT 1

PART I: PERMITTING HISTORY

Permit Type	Date Issued	Doc ID No.
Permit to Construct (PTC) – 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
PTC – Phase 2	March 16, 2011	13147

PART II: LIST OF DOCUMENTS FOR APPROVED PLAN

MUNICIPAL SOLID WASTE LANDFILL

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 from 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).
10. *Design Hydrogeologic Study, prepared for Lenoir County Subtitle D Landfill, Phase 2,* Prepared by MESCO. Dated November 30, 2009 and revised through August 26, 2010 (Doc ID 11632).

11. *Permit to Construct, Lenoir County Municipal Solid Waste Landfill Facility – Phase 2, Prepared by MESCO. Dated November 2009 and revised through January 2011 (Doc ID 13192).*

PART III: CONSTRUCTION AND DEMOLITION LANDFILL CONDITIONS

[Permit No. 54-03 Issued Separately]

PART IV: LAND CLEARING AND INERT DEBRIS LANDFILL CONDITIONS

[Not Applicable]

PART V: YARD WASTE CONDITIONS

[Not Applicable]

PART VI: 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 VII: GENERAL PERMIT CONDITIONS

1. This permit is issued by the North Carolina Department of Environment and Natural Resources, Division of Waste Management (Division), 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 Construct shall expire eighteen (18) months from the issuance date of the Permit to Construct, **September 16, 2012**, as per the North Carolina Solid Waste Management Rules (the Rule) 15A NCAC 13B .1604(b)(2)(H) if construction of Phase 2 is not commenced. A Modification to the Permit to Construct for the facility will be required in accordance with rules in effect at the time of review of the request and shall be subject to a permit modification fee
2. The persons to whom this permit is issued (“Permittee”) are the owners and operators of the solid waste management facility.
3. The certified copy of Permit No. 54-09 issued February 18, 2010 was presented and recorded on February 25, 2010 in Deed Book 1596, Pages 862 through 875 by the Lenoir County Register of Deeds Office.

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 (N.C.G.S. 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 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 N.C.G.S. 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**

PART I: MUNICIPAL SOLID WASTE LANDFILL CONSTRUCTION CONDITIONS

1. Pursuant to the North Carolina Solid Waste Management Rules (Rule) 15A NCAC 13B .0201(c) and (d)(1), this permit approves construction for Phase 2 of the landfill, consisting of approximately 9.23 acres with a projected gross capacity of 564,066 cubic yards in accordance with the approved plan Document No.11 (Doc ID 13192) referenced in Attachment 1, Part II, of this permit.
 - a. Gross capacity for Phase 2 is the measured volume between the top of the protective cover as shown the Drawing No. P2 / Sheet No. 4 of 11 and the top of final cover as shown the Drawing No. P4 / Sheet No. 9 of 11.
 - b. Areas identified as future phases (Phase 3 through Phase 6) are deemed suitable for preparation of a permit application in accordance with 15A NCAC 13B .1618(a)(1). The Permittee must submit an application for a Permit to Construct in compliance with applicable rules and statutes before commencement of construction in those future areas.
 - c. This permit approves the modified Facility Plan that defines the comprehensive development of the facility including the increase of total municipal solid waste landfill (MSWLF) capacity, the modified phased development, all onsite solid waste management facilities and related infrastructure in accordance with 15A NCAC 13B .1619. The Lenoir County MSWLF provides a total gross capacity of approximately 3 million cubic yards which include air space (waste and daily cover), intermediate cover, and final cover, consistent with the final contours with the maximum 4 to 1 side slopes shown on Drawing No. F7 / Sheet No. 9 of 10 and Drawing No. CS1 / Sheet No. 10, as stated in Attachment 1, Part II, Document No. 11. The landfill approved for development is summarized below:

Incremental Phase Development ⁽¹⁾	Acreage	Air Space (cubic yard)	Status
Phase 1	10.53	511,000	Developed & inactive
Phase 2	9.23	564,066	To be constructed
Phase 3	14.43	578,003	To be developed
Phase 4	vertical expansion	588,208	To be developed
Phase 5	vertical expansion	398,958	To be developed
Phase 6	3.92	148,936	To be developed
Total	38.11 ⁽²⁾	2,789,171 ⁽³⁾	

Notes:

- (1) The nomenclature of the incremental phase development has revised from the initial facility plan (Document No.3, Attachment 1, Part II).
 - (2) The total acreage of the landfill units is reduced from originally approved 39.33 acres (Document No.3, Attachment 1, Part II) to 38.11 acres.
 - (3) The approved total gross capacity of the landfill is 3,096,592 cubic yards including the air spaces of 2,789,171 cubic yards and the volume of final cover system of 307,421 cubic yards. This approved total gross capacity is increasing from the original approved gross capacity of 3,009,399 cubic yards (Document No. 3, Attachment 1, Part II).
2. The initial, substantial, construction authorized by this Permit to Construct must commence within 18 months from the issuance date of this permit. If substantial construction does not begin within 18 months from the issuance date of this permit, then the permit shall expire. Substantial construction includes, but is not limited to, issuance of construction contracts, mobilization of equipment on site, and construction activities including installation of sedimentation and erosion control structures. The Permittee may reapply for the Permit to Construct prior to the expiration date. The re-application will be subject to the statutes and rules in effect on that date and may be subject to additional fees.
 3. Construction of all solid waste management units within this facility including site preparation must be in accordance with N.C.G.S. 130A-295.8(b)(2) and the pertinent approved plans and only for those phases of development approved for construction as described in Attachment I, Part II List of Documents for Approved Plan.
 4. The Permittee must conduct a preconstruction meeting at the facility prior to initiating construction of any unit/cell and must notify the Section at least 10 days prior to the meeting.
 5. Modifications or revisions of the approved documents or changes during construction of any landfill unit/cell require approval by the Section, and may constitute a permit modification and be subject to a permitting fee.
 6. The following conditions must be met prior to the operation of Phase 2:
 - a. The Permittee must obtain a Permit to Operate for the Phase 2 from the Section in accordance with 15A NCAC 13B .0201(d)(2).
 - b. Construction Quality Assurance (CQA) documentation (Document No. 11, Attachment 1, Part II) and a certification by the project engineer that the landfill was built in accordance with approved plans and the conditions of the permit must be submitted to the Section for review and approval.

- c. The Permittee must contact the appropriate regional environmental specialist and permitting engineer to determine whether the Section chooses to hold a pre-operative meeting with key landfill personnel and representatives of the Section.
- d. The edge of the waste footprint must be identified with permanent physical markers.
- e. Documentation of financial assurance mechanisms must be submitted to the Section. The financial assurance amount must include closure and post-closure costs including the new phase (Phase 2) to receive the Permit to Operate, in accordance with 15A NCAC 13B .1628 and N.C.G.S. 130A-295.2.
- f. The leachate collection system must be maintained in accordance with 15A NCAC 13B .1626(12)(a) and the Leachate Management Plan as stated in the approved Document 11, Attachment 1, Part II. Upon completion of constructing of the leachate collection and removal system (LCRs) for the new Phase 2, the Permittee shall conduct the visual inspection by using a remote video camera which is able to successfully access the entire lengths of leachate collection lines, risers, sumps, and other components to ensure that no sediment or other material has accumulated in the LCRs. Documentation of the inspections, and cleaning and monitoring must be included in the operating records of the facility and appended to the CQA as requested in the subparagraph (b).

GEOLOGIC, GROUND WATER AND MONITORING REQUIREMENTS

7. Prior to issuing the Permit to Operate, samples from new ground water monitoring wells stated in the Table 6 of the approved Water Quality Monitoring Plan (Attachment I, Part II, Document No. 10) must be sampled for the Appendix I constituent list. Three (3) new ground water monitoring wells are MW-19S, MW-19D, & MW-20.
8. Prior to construction of the phase or cell(s) within the phase, all piezometers, borings, and groundwater monitoring wells within the footprint as listed in the Table 5 of the approved Water Quality Monitoring Plan (Attachment I, Part II, Document No. 10) must be properly abandoned in accordance with 15A NCAC 2C .0113(d), entitled "Abandonment of Wells."
9. In areas where soil is to be undercut, abandoned piezometers, monitoring wells and borings must not be grouted to pregrade land surface, but to the proposed base grade surface to prevent having to cut excess grout and possible damage the wells.
10. A Licensed Geologist must report any pertinent geological feature(s) exposed during phase or cell excavation. Prior to placing any landfill liner, the geologist must submit to the Section Hydrogeologist a written report that includes an accurate description of the exposed geological feature(s) and effect of the geological feature(s) on the design, construction, and operation of the cell, phase, or unit.

11. A Licensed Geologist must supervise installation of groundwater monitoring wells and surface water sampling stations.
12. Any modification to the approved water quality monitoring, sampling, and analysis plan must be submitted to the Section Hydrogeologist for review and approval prior to implementation of the changes.
13. Within 30 days of completed construction of each new groundwater monitoring well, a well construction record (GW-1 form), typical well schematic, boring log, field log and notes, and description of well development activities must be submitted to the Section. Each monitoring well and gas probe must be surveyed for location and elevation.
14. The Permittee must submit the Section 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.
15. Within thirty (30) days of the completed permanent abandonment of a groundwater monitoring well, the well abandonment records (GW-30 form) for each decommissioned piezometer, boring, and groundwater monitoring well 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 in accordance with 15A NCAC 13B .1623(b)(2)(I).
16. All forms, reports, maps, plans, and data submitted to the Section must include an electronic copy.

EROSION AND SEDIMENTATION CONTROL REQUIREMENTS

17. All required sedimentation and erosion control measures must be installed and operable to mitigate excessive on-site erosion and to prevent silt from leaving the area of the landfill unit during the service life of the facility.
18. All earth disturbing activities must be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4) and consistent with any other local, state or federal requirements.
19. Facility construction, operations or practices must not cause or result in a discharge of pollution, dredged material, and/or fill material into waters of the state in violation of the requirements under Sections 401 and 404 of the Clean Water Act, as amended.
20. Modifications to the approved sedimentation and erosion control activities require approval by the North Carolina Land Quality Section. The Section must be notified of any sedimentation and erosion control plan modifications.

- End of Permit Conditions