**RICHARDSON SMITH GARDNER & ASSOCIATES**

Engineering and Geological Services

March 16, 2007

Mr. Edward F. Mussler, III P.E.  
Branch Head - Solid Waste Permitting Branch  
Division of Waste Management  
**North Carolina Department of Environment and Natural Resources**  
401 Oberlin Road, Suite 150  
Raleigh, NC 27605-1350

Re: Request for Service Area Expansion  
Red Rock Disposal, LLC C&D Landfill – Permit No. 92-28  
Wake County, North Carolina

Dear Mr. Mussler:

On behalf of Waste Industries, Inc., and its subsidiary, Red Rock Disposal, LLC (Red Rock), Richardson Smith Gardner & Associates, Inc. (RSG) is transmitting, for your review, an amended franchise for the subject facility, as recently approved by the Wake County Board of Commissioners. As you may be aware, the Red Rock facility has been accepting far less waste volume than is allowed by both its Wake County Franchise Agreement and its solid waste permit. Red Rock wishes to increase the Service Area from which it can receive waste, as supported by the attached documentation itemized below.

Briefly, according to the facility's solid waste permit and Wake County franchise agreement, the Red Rock landfill is currently permitted to receive 200 trucks/day and/or an average disposal rate of 2,000 tons/day based on 286 operating days per year. Similarly, the approved service area for this facility presently includes Chatham, Durham, Franklin, Granville, Harnett, Johnston, Nash, and Wake Counties.

Beginning with the start of Red Rock C&D Landfill operations in November 2001, the facility has operated within the approved Phase I area of the site and has been in general compliance with all design, construction and operational aspects of the facility's permit. However, since that time, the number of trucks has averaged only about 60 trucks per (operating) day which, based on actual weigh scale records translates to about 600 tons per day. This utilization is significantly below the permit conditions. Red Rock Disposal, LLC is proposing only that the Service Area be expanded and will not exceed any of the limits previously approved by both Wake County and DENR.

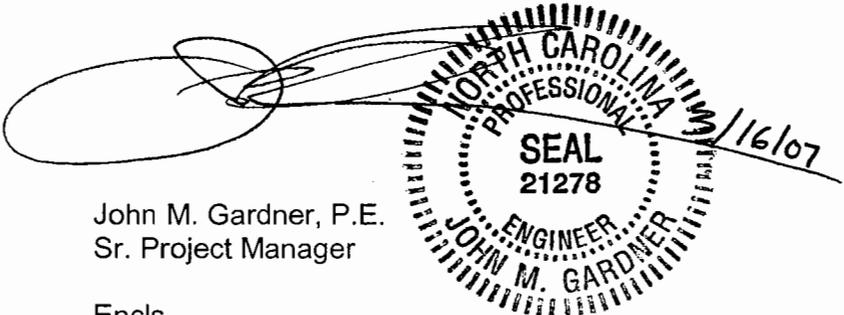
Specifically, Red Rock has recently received Wake County approval of an Ordinance Granting Amendment of Franchise to increase the Service Area from the currently-approved eight (8) counties (identified above) to a Service Area comprised of 59 counties (including the original 8 counties) as presented on the attached **Figure 1**. It is the intent of Red Rock to stay within the limits established by the Amended Franchise Agreement and the DENR permit requirements, whereby no more than 200 trucks per day and/or 2,000 tons per day of waste is delivered and

disposed. The expanded service area is therefore the only change that Red Rock is requesting and no other design, construction, or operational revisions, modifications, or upgrades are being proposed at this time. In this regard, the following documents are provided as attachments to this letter for review by the Division:

1. (COPY) Application for Amendment of Construction & Demolition Debris Landfill Franchise Agreement, dated November 17, 2006.
2. (CERTIFIED COPY) Minutes of the Wake County Board of Commissioners Meeting on December 4, 2006.
3. (CERTIFIED COPY) Affidavit of Publication; News & Observer, on December 7, 2006.
4. (CERTIFIED COPY) Affidavit of Thomas C. Worth, Jr.; Delivery of Facility Plans and Documents to Holly Springs and Fuquay-Varina Public Libraries, on December 8, 2006.
5. (CERTIFIED COPY) Affidavit of Thomas C. Worth, Jr.; Posting of Property for Notice of Hearing, on December 8, 2006.
6. (CERTIFIED COPY) Ordinance Granting Amendment of Franchise to Red Rock Disposal, LLC, on January 8, 2007.
7. (CERTIFIED COPY) Minutes of the Wake County Board of Commissioners Meeting on January 8, 2007.

Should you need any additional information or have further questions, comments or require clarification, please call me.

Sincerely,  
**Richardson Smith Gardner & Associates, Inc.**

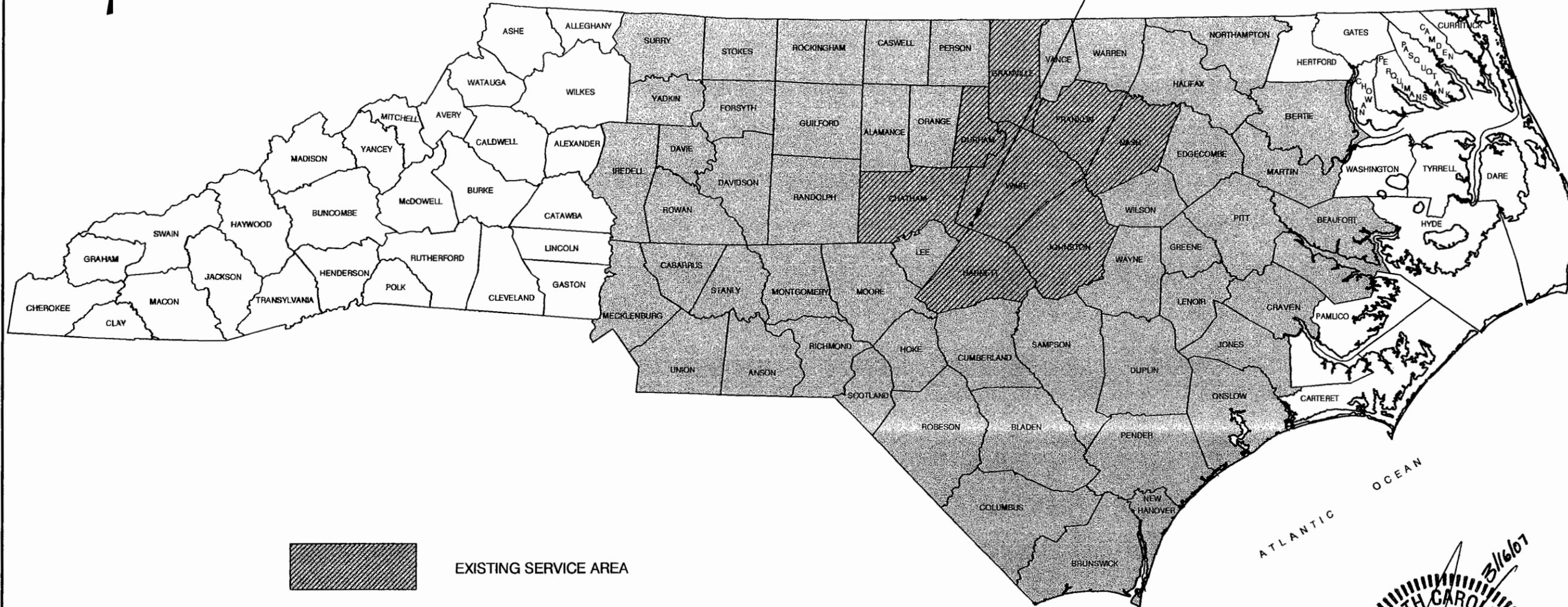


The image shows a handwritten signature in black ink over a circular professional seal. The seal is for John M. Gardner, a Professional Engineer in North Carolina, with Seal No. 21278. The date 3/16/07 is written across the seal.

John M. Gardner, P.E.  
Sr. Project Manager

Encls.

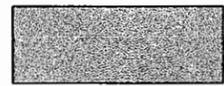
Cc: Jerry Johnson  
John Demary  
David Pepper  
Thomas C. Worth, Jr.



RED ROCK DISPOSAL, LLC  
C&DD LANDFILL



EXISTING SERVICE AREA



PROPOSED SERVICE AREA



G. N. RICHARDSON & ASSOCIATES, INC.  
Engineering and Geological Services  
14 N. Boylan Ave.  
Raleigh, N.C. 27603  
www.gnra.com  
ph: 919-828-0577  
fax: 919-828-3899

FIGURE NO.	1
SCALE:	NOT TO SCALE
CHECKED BY:	<i>JMS</i>
PROJECT NO.	RED ROCK
FILE NAME	REDROCK-B0039
DRAWN BY:	J.A.L.
DATE:	Mar. 2007

TITLE:  
**RED ROCK DISPOSAL, LLC  
PLAN OF SERVICE AREA**

Application for Amendment of  
Construction and Demolition Debris

Landfill Franchise Agreement

November 17, 2006

**THOMAS C. WORTH, JR.**

Attorney

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Certified Mediator

Professional Building  
127 W. Hargett Street, Suite 500  
Post Office Box 1799  
Raleigh, North Carolina 27602  
Phone: (919) 831-1125 Fax: (919) 831-1205  
curmudgtcw@earthlink.net

November 17, 2006

The Honorable Tony Gurley, Chairman  
Board of Commissioners  
Wake County  
Waverly F. Akins Wake County Office Building  
Suite 1100, 336 Fayetteville Street  
Raleigh, North Carolina 27601

HAND DELIVERY

RE: Red Rock Disposal, LLC, wholly owned subsidiary of  
Waste Industries USA, Inc.; Application for Amendment of  
Construction and Demolition Debris (C&D) Landfill Franchise  
(Only for Expansion of Service Area)

Dear Chairman Gurley and County Commissioners:

In connection with the above referenced matter and in behalf of my client, Red Rock Disposal, LLC, wholly owned subsidiary of Waste Industries USA, Inc., I hereby submit the subject Application for Amendment of Construction and Demolition Debris (C&D) Landfill Franchise (Only for Expansion of Service Area).

I have met previously with County Attorney Michael Ferrell and Solid Waste Director Jim Reynolds in connection with this prospective Application, and I will look forward to working with your Staff as this matter moves forward in the process.

Sincerely,



Thomas C. Worth, Jr.

TCWjr/jwp  
Enclosure

cc: David Cooke, County Manager  
Michael Ferrell, County Attorney  
Susan Banks, County Clerk  
James Reynolds, County Solid Waste Director  
(all without enclosure)

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**APPLICATION FOR AMENDMENT  
OF CONSTRUCTION AND DEMOLITION DEBRIS (C&D)  
LANDFILL FRANCHISE (ONLY FOR EXPANSION OF SERVICE AREA)**

NOW COMES Red Rock Disposal, LLC, wholly owned subsidiary of Waste Industries USA, Inc., Property Owner and Landfill Operator as Applicant and submits this Application for Amendment of its Construction and Demolition Debris Landfill Franchise No. 0-01-04 (only for expansion of service area) to the Wake County Board of Commissioners this 17<sup>th</sup> day of November, 2006.

In support of this Application there is hereby presented the following information:

1. **APPLICANT** - The Applicant is Red Rock Disposal, LLC, a wholly owned subsidiary of Waste Industries USA, Inc. of 3301 Benson Drive, Raleigh, NC 27609, Property Owner and Landfill Operator.
2. **PROPERTY** – The landfill property is located at 7130 New Landfill Road and contains 225.381 acres, more or less, as described by metes and bounds in Exhibit A, attached hereto. The landfill tract is shown on the map attached as Exhibit A-1. No change whatsoever is proposed in the landfill tract nor in its access from Rex Road via the road shared with the nearby quarry and asphalt plant for a distance of approximately 1,600 feet and by a spur road for a distance of approximately 2,500 feet .
3. **BACKGROUND** – This landfill site was first unanimously approved to accept Construction and Demolition (C&D) Waste by the Wake County Board of Adjustment on December 14, 1999 with approval of its Franchise No. 0-00-17 being granted by unanimous vote of the Wake County Board of Commissioners on June 5, 2000. As modified by expansion, this landfill site was again unanimously approved to receive C&D Waste by the Wake County Board of Adjustment on November 14, 2000, with unanimous approval being granted by the Wake County Board of Commissioners on February 5, 2001 of its Franchise No. 0-01-04, attached as Exhibit B (including the Franchise Application filed December 29, 2000 and the Amendment to supplement same filed January 8, 2001 [both without exhibits attached]). On October 18, 2001, the North Carolina Department of Environment and Natural Resources ( NCDENR) Division

of Waste Management issued Solid Waste Permit No. 92-28 to Applicant, a copy of which is attached as Exhibit C. On June 4, 2004 the Division of Waste Management modified said permit as indicated by attached Exhibit C.

**4. TRUCKLOADS PER DAY; PROJECTED VOLUME AND USEFUL LIFE; DAYS OF OPERATION AND WASTE STREAM**

As indicated in Franchise No. 0-01-04, it is estimated that this landfill will receive approximately 200 truckloads per day (although the number and size of truckloads per day may vary significantly depending upon the economy, weather and other factors). Furthermore, Condition No. 5 of Permit No. 92-28, attached as Exhibit C, states that:

“This capacity is based on receipt of 200 trucks/day and/or an average disposal rate of 2,000 tons/day based on 286 operating days per year....”

The actual amount of tonnage delivered to the site is enforced through annual reporting to NCDENR and through a five-year review and renewal process implemented by NCDENR. As of January 1, 2006, the capacity remaining within this landfill was estimated to be approximately 10.8 million tons with a projected useful life of nearly twenty (20) years. Please note that a 20-year timeframe was specified in the current Franchise No. 0-01-04, attached as Exhibit B.

In accordance with the current Franchise the landfill may operate six days per week. Also in accordance with the current Franchise the waste stream is strictly limited by its State Permit issued by NCDENR's Division of Waste Management. The waste stream includes the following types of waste materials: asbestos, inert debris similar to types deposited in LCID landfills, asphalt, solid waste resulting from construction, remodeling, repair of demolition operations on pavement, buildings or other structures (such as furniture, carpet remnants and any other waste materials resulting from the demolition of a structure) and other materials approved by NCDENR's Division of Waste Management.

**5. PRESENT SERVICE AREA – FRANCHISE NO. 0-01-04 granted by the Wake County Board of Commissioners on February 5, 2001 was based in part upon the following provision of the Application:**

“The area expected to be served by the site includes Wake County, including without limitation the municipalities of Holly Springs, Fuquay-Varina, Apex, Cary and Raleigh.

Additionally this site may provide, to a lesser extent, service to counties contiguous to Wake County. The present population of Wake County and the municipalities and geographic areas specified in this paragraph is estimated to be approximately 1.2 million people.”

Furthermore, Permit No. 92-28 issued by NCDENR on October 18, 2001 attached as Exhibit C, states in part in Condition No. 5 that:

“The service area for this facility consists of the following counties: Chatham, Durham, Franklin, Granville, Harnett, Johnston, Nash and Wake”

6. **REQUESTED SERVICE AREA** - It is hereby requested that the Franchise be amended by increasing the Service Area from the above identified eight (8) counties to the fifty-nine (59) counties specified upon Exhibit D (which include the eight [8] counties presently being served), all as shown upon the graphic attached hereto as Exhibit D-1 entitled “Red Rock Disposal LLC Plan of Service Area.”

It is noted that the proposed list of counties which would comprise the new Service Area are predominantly those counties within an approximate 100-mile driving distance from the Applicant’s landfill that are still within the State of North Carolina. The updated census of 2005 for this proposed geographic area is approximately 6,830,000 people, as compiled by the United States Census Bureau.

This amendment is the only change the Applicant is requesting and no other design, construction, or operational revisions, modifications, or upgrades are being sought. With this proposal, it is the intent of the Applicant to increase the daily waste receipts at the site, while staying within the limits established by the Franchise and NCDENR permit requirements, whereby no more than 200 trucks per day and/or 2,000 tons per day of waste is delivered and disposed of in the landfill.

The Applicant is requesting this service area increase, in part, because of a desire to assist Wake County contractors who conduct business outside of its Red Rock landfill’s current service area and who would like to utilize this landfill for all of their C & D disposal needs.

Applicant is also requesting this expansion of service area to allow it to manage properly its customers within this proposed service area. For

example, Applicant has customers in Orange County who would ordinarily haul into its transfer station in Durham County which is within the present service area but Orange County is not. This situation causes operations concerns for Applicant's Durham transfer station.

In support of this request, the Applicant provides the operational history of the Applicant's landfill as follows:

**OPERATIONAL HISTORY:**

Since the opening day of Red Rock C&D Landfill operations in November, 2001, the facility has operated within the permitted Phase I area of the site and has been in compliance with all design, construction and operational aspects of the facility's NCDENR permit. Since opening, the C&D waste delivery to the site has been strictly from the eight counties identified in the NCDENR permit and the Franchise at the following tonnages and vehicle numbers (from November 2001 through about April 2006):

<b>YEAR</b>	<b>TONS DISPOSED</b>	<b># TRUCKS</b>	<b>OPERATING DAYS</b>	<b>TONS/DAY</b>	<b>AVG. TRUCKS/DAY</b>
2001	1,206	306	28	43	11
2002	89,241	9,092	255	350	36
2003	186,215	14,995	255	730	59
2004	141,747	12,762	255	556	50
2005	207,947	20,904	255	815	82
2006	67,550	8,528	107	631	80
<b>HISTORICAL AVERAGES</b>	-	-	-	<b>601</b>	<b>58</b>
<b>WAKE COUNTY FRANCHISE &amp; DENR PERMIT LIMITS</b>	-	-	-	<b>2,000</b>	<b>200</b>

As shown, over the past five (5) years, the number of trucks has averaged about 58 trucks per (operating) day which, based on actual weigh scale records, translates to about 600 tons per day. As shown in the above table, these totals and averages are significantly below the permitted number of trucks (approximately 200 trucks per day) and waste tons allowed (2,000 tons per day) to be received at the site according to both the Franchise as well as the site's NCDENR permit.

Part of the reason for the historically low daily waste volume whereby fewer trucks and therefore fewer tons are delivered to this site, is the relatively small Service Area (the eight counties listed previously)

designated for this site. Consequently, the Applicant is proposing that the Service Area be expanded to allow more vehicles per day to deliver waste, and consequently more tons per day be disposed at the site, up to, but not exceeding the limits currently allowed under both the Franchise and NCDENR permit.

**WAKE COUNTY'S SOLID WASTE MANAGEMENT SUPERVISION.** Attached hereto as Exhibit E-1 is that letter dated November 16, 2006 from James Reynolds, Solid Waste Director for Wake County, to Jerry Johnson, Vice President, Landfill Division of Waste Industries, USA, Inc. wherein Mr. Reynolds confirms that the current Franchise Agreement and the proposed Amendment to increase Applicant's Service Area, is consistent with the applicable provisions of N.C.G.S. 130A-309.09A and further that the proposed Franchise Amendment is not inconsistent with county-wide waste reduction, reuse and recycling goals.

Attached hereto as Exhibit E-2 is a statement of procedures to be followed for governmental oversight and regulation of fees and rates to be charged by the facility which is the subject of this Franchise, for waste generated in the jurisdiction of Wake County.

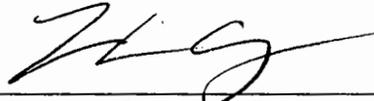
The facility plan for this landfill is reflected in Exhibit E-3 (graphics 1-17) collectively attached hereto and in those three bound volumes entitled "Site Application" dated January, 2001, revised June, 2001 and approved October 2, 2001; "Permit to Construct Application" dated June, 2001 and approved October 18, 2001; and "Revised Permit to Construct Application" dated October, 2003 and approved June 4, 2004, respectively which bound volumes approved as aforesaid (by NCDENR's Division of Waste Management) are located in the offices of the Solid Waste Management Division, 7th floor, Wake County Office Building, 336 Fayetteville Street, Raleigh, North Carolina 27601, which bound volumes are incorporated here by reference as if fully set forth herein.

IN SUMMARY, the only change being requested would be an increase in the number of counties within North Carolina that will be allowed to deliver C&D waste to the subject landfill. This Amendment to the Franchise increases the geographic area and corresponding Service Area population served by this C&D landfill as set forth herein.

WHEREFORE, Applicant Red Rock Disposal, LLC, wholly owned subsidiary of Waste Industries USA, Inc., Property Owner and Landfill Operator, through its undersigned attorney respectfully requests that the Wake County Board of

Commissioners, after such notices, consideration and deliberation as said Board deems appropriate and in accordance with all applicable statutes, ordinances and regulations, issue the Amendment to Franchise as requested by the Applicant.

RED ROCK DISPOSAL, LLC,  
wholly owned subsidiary of  
Waste Industries USA, Inc.

By:   
Thomas C. Worth, Jr.  
Attorney for Applicant (Property  
Owner/Landfill Operator)  
127 West Hargett Street, Suite 500  
Raleigh, NC 27601  
Phone: 919.831.1125  
Facsimile: 919.831.1205  
Email: [curmudgtcw@earthlink.net](mailto:curmudgtcw@earthlink.net)

## INDEX OF EXHIBITS:

- Exhibit A                    Metes and Bounds description of 225.381 acres
- Exhibit A-1                 Map of landfill tract
- Exhibit B                    Franchise No. 0-01-04, approved February 5, 2001  
(including the Franchise Application filed December 29, 2000  
and its Amendment filed January 8, 2001)
- Exhibit C                    NCDENR Solid Waste Permit No. 92-28 issued  
October 18, 2001 (including the modification  
dated June 4, 2004)
- Exhibit D                    Proposed Service Area – 59 counties listed
- Exhibit D-1                 Map of 59 counties – Proposed Service Area
- Exhibit E-1                 Letter dated November 16, 2006 from  
James Reynolds, Solid Waste Director, Wake County  
to Jerry Johnson, Vice President, Landfill Division of  
Waste Industries (USA), Inc. as per N.C.G.S. 130A-294(b1)(2)d.
- Exhibit E-2                 Wake County does not presently have procedures to be followed  
for its oversight and regulation of fees and rates for such franchise  
facilities, but relies instead upon market forces to determine fees  
and rates to be charged by facilities subject to franchises for waste  
generated within its jurisdiction, rather than governmental  
oversight. Nevertheless, Applicant herein acknowledges that in the  
event Wake County changes its procedure for governmental  
oversight and regulation of fees and rates to be charged within its  
jurisdiction, that Applicant will conform to same in accordance  
with N.C.G.S. 130A-294(b1)(2)e.
- Exhibit E-3                 The facility plan for this landfill is reflected in Exhibit E-3  
(graphics 1-17) collectively attached hereto and in those three  
bound volumes approved by NCDENR's Division of Waste  
Management entitled "Site Application" dated January, 2001,  
revised June, 2001 and approved October 2, 2001; "Permit to  
Construct Application" dated June, 2001 and approved October 18,  
2001; and "Revised Permit to Construct Application" dated  
October, 2003 and approved June 4, 2004, respectively which  
bound volumes are located in the offices of the Solid Waste  
Management Division, 7th floor, Wake County Office Building,  
336 Fayetteville Street, Raleigh, North Carolina 27601, which  
bound volumes are incorporated here by reference as if fully set  
forth herein. Please refer to N.C.G.S. 130A-294(b1)(2)f.

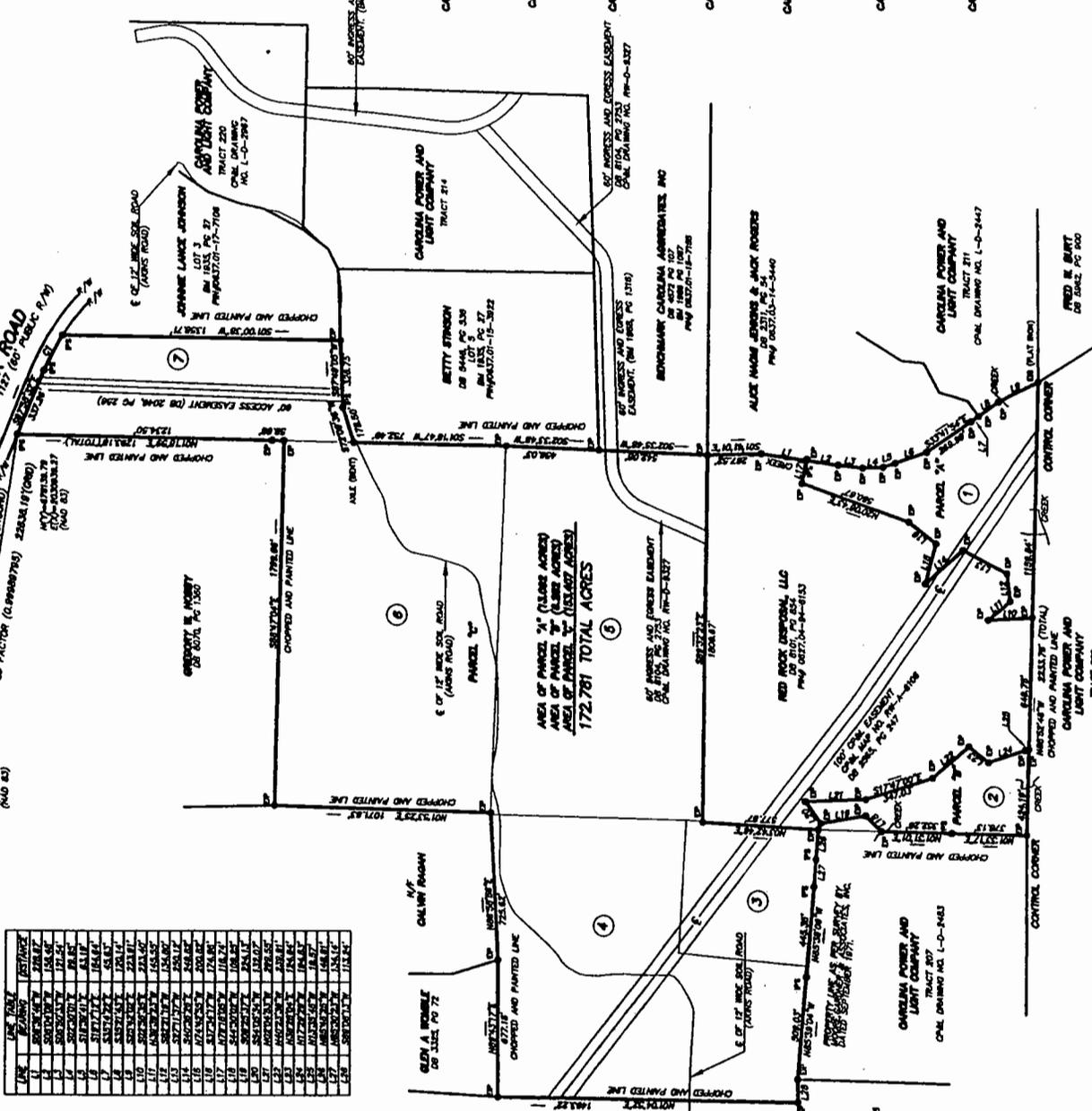
LEGAL DESCRIPTION

Being all of that certain tract containing approximately 225.381 acres as shown on plat entitled "Recombination Survey for Waste Industries, Inc." dated December 11, 2000, prepared by Surveying Solutions, P.C., and more particularly described as follows:

BEGINNING at an iron pipe set in the southern margin of the right-of-way of Rex Road (NCSR 1127), said iron pipe being located South  $26^{\circ}52'14''$  East 22,840.52 feet from NCGS marker "Chill" (said iron pipe having grid coordinates of N=678139.79, E=2030939.27, NAD 83); thence running from said iron pipe along and with the southern margin of the right-of-way of Rex Road (NCSR 1127) South  $67^{\circ}58'32''$  East 337.26 feet to an iron pipe set; thence continuing with the southern margin of Rex Road (NCSR 1127) along a curve to the right, said curve having an arc length of 193.49 feet, a radius of 1170.00 feet, and a chord bearing and distance of South  $62^{\circ}39'17''$  East 193.27 feet to an iron pipe set; thence leaving the southern margin of the right-of-way of Rex Road (NCSR 1127) and running with the western margin of the property owned now or formerly by Johnnie Lance Johnson (PIN #0637.01 17 7106) South  $01^{\circ}00'38''$  West 1,358.71 feet to an existing iron pipe; thence running with the northern and western boundaries of the property owned now or formerly by Betty Stinson (PIN #0637.01 15 3922) the following courses and distances: South  $87^{\circ}49'05''$  West 328.75 feet to an iron pipe set, South  $72^{\circ}09'36''$  West 178.50 feet to an axle (bent), South  $01^{\circ}18'47''$  West 752.49 feet to an existing iron pipe, and South  $02^{\circ}33'48''$  West 456.03 feet to an existing iron pipe; thence crossing a 60-foot ingress and egress easement (see Book of Maps 1988; Page 1316; Wake County Registry for more information) and running with the western boundary of the property owned now or formerly by Benchmark Carolina Aggregates, Inc. (PIN #0637.01 15 7155) South  $02^{\circ}35'48''$  West 542.08 feet to an existing iron pipe; thence running with the western boundary of the property owned now or formerly by Alice Naomi Jenkins and Jack Rogers (PIN #0637.03 14 5440) the following courses and distances: South  $01^{\circ}41'01''$  East 267.52 feet to an existing iron pipe, South  $00^{\circ}33'25''$  East 819.03 feet to an existing iron pipe, South  $33^{\circ}41'54''$  East 269.99 feet to an existing iron pipe, and South  $35^{\circ}14'22''$  East 45.63 feet to an existing iron pipe; thence with the western boundary of the property owned now or formerly by Carolina Power and Light Company (shown as Tract 211 per CP&L Drawing No. L-D-2447) South  $35^{\circ}21'43''$  East 120.14 feet to an existing iron pipe and, crossing a creek, South  $25^{\circ}42'02''$  East 223.91 feet to an existing iron pipe (flat iron), said iron pipe also being located in the northwestern corner of the property owned now or formerly by Fred W. Burt (see instrument recorded in Book 5962, Page 900, Wake County Registry for more information); thence running with the northern boundary of the property owned now or formerly by Carolina Power and Light Company (shown as Tract 209 per CP&L Drawing No. L-D-2479) North  $88^{\circ}52'48''$  West 2,233.78 feet, crossing three creeks, to an existing iron pipe; thence running with the eastern and northern boundaries of the property owned now or formerly by Carolina Power and Light Company (shown as Tract 207 per CP&L Drawing No. L-D-2483) the following courses and distances: North  $01^{\circ}33'17''$  East 378.13 feet to an iron pipe set, North  $01^{\circ}31'01''$  East 352.26

feet to an existing iron pipe, North  $01^{\circ}30'47''$  East 111.34 feet to an existing iron pipe, North  $01^{\circ}29'18''$  East 200.88 feet to an existing iron pipe, North  $85^{\circ}45'25''$  West 148.81 feet to an iron pipe set, North  $85^{\circ}30'23''$  West 134.14 feet to an iron pipe set, North  $85^{\circ}38'09''$  West 445.35 feet to an iron pipe set, and North  $85^{\circ}39'04''$  West 509.03 feet to an existing iron pipe; thence running with the northern boundary of the property owned now or formerly by Carolina Power and Light Company (shown as Tract 205 per CP&L Drawing No. L-D-2445) South  $89^{\circ}08'13''$  West 113.24 feet to an existing iron pipe; thence running with the eastern boundary of the property owned now or formerly by Carolina Power and Light Company (shown as Tract 202 per CP&L Drawing No. L-D-2492 and being the third tract described in instrument recorded in Book 7934, Page 474, Wake County Registry) North  $01^{\circ}04'52''$  East 1,493.22 feet to an existing iron pipe, said pipe also being located in the southwestern corner of the property owned now or formerly by Glen A. Womble (see instrument recorded in Book 3325, Page 72, Wake County Registry for more information); thence with the southern boundary of the Womble property North  $89^{\circ}43'17''$  East 677.18 feet to an existing iron pipe; thence running with the southern boundary of the property owned now or formerly by Calvin Ragan North  $86^{\circ}58'56''$  East 725.62 feet to an existing iron pipe; thence with the eastern boundary of the Ragan property North  $01^{\circ}53'25''$  East 1,071.63 feet to an existing iron pipe; thence running with the southern boundary of the property owned now or formerly by Gregory W. Hobby (see instrument recorded in Book 8070, Page 1360, Wake County Registry for more information) South  $88^{\circ}47'04''$  East 1,799.66 feet to an existing iron pipe; thence running with the eastern boundary of the Hobby property North  $01^{\circ}18'59''$  East 1,293.18 feet to an iron pipe set in the southern margin of the right-of-way of Rex Road (NCSR 1127), said iron pipe also being the point and place of BEGINNING.

# EXHIBIT A-1



LINE	BEARING	DISTANCE
1	S 89° 00' 00" W	224.17
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24	S 89° 00' 00" W	224.17
25	S 89° 00' 00" W	224.17
26	S 89° 00' 00" W	224.17
27	S 89° 00' 00" W	224.17
28	S 89° 00' 00" W	224.17
29	S 89° 00' 00" W	224.17
30	S 89° 00' 00" W	224.17

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

JOHN H. THOMPSON P.L.S. L-3370

JOHN H. THOMPSON NERRY CERTIFY THAT THIS IS A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.

NOTES

1. AREA COMPUTED BY THE COORDINATE METHOD.
2. PROPERTY SUBJECT TO ALL EASEMENTS OF RECORD.
3. ALL DISTANCES ARE GROUND DISTANCES UNLESS OTHERWISE SHOWN.
4. ALL DISTANCES ARE TO BE MEASURED TO THE CENTER OF THE ROAD UNLESS OTHERWISE SHOWN.
5. ALL DISTANCES ARE TO BE MEASURED TO THE CENTER OF THE ROAD UNLESS OTHERWISE SHOWN.

LEGEND

- R/W RIGHT OF WAY
- C CENTERLINE
- E EXISTING IRON PIPE
- EX EXISTING IRON ROD
- AXL EXISTING AXLE
- IP IRON PIPE SET
- NP NO POINT SET

REFERENCES

- 1. DEED TO JOHN H. THOMPSON NERRY
- 2. DEED TO JOHN H. THOMPSON NERRY
- 3. DEED TO JOHN H. THOMPSON NERRY
- 4. DEED TO JOHN H. THOMPSON NERRY
- 5. DEED TO JOHN H. THOMPSON NERRY

GRAPHIC SCALE

( IN FEET )

1 Inch = 400 ft.

BOUNDARY SURVEY FOR

**WASTE INDUSTRIES, INC.**

**SURVEYING SOLUTIONS, P.C.**

6808 COVENTRY RIDGE RD

RALEIGH, NC 27616

(919) 431-8888

BOUNDARY SURVEY FOR

**WASTE INDUSTRIES, INC.**

RALEIGH, NC 27616

(919) 431-8888

BOUNDARY SURVEY FOR

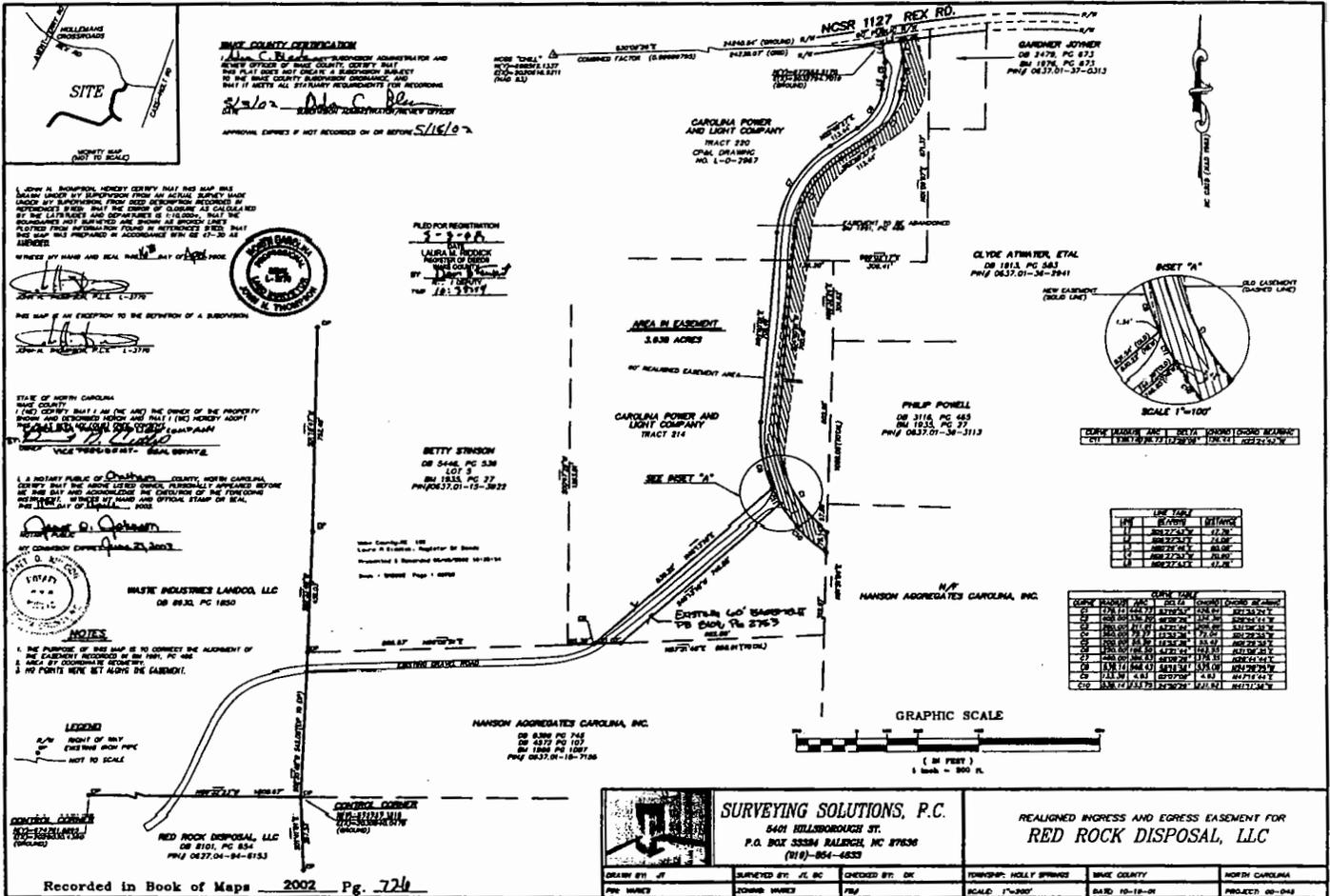
**WASTE INDUSTRIES, INC.**

RALEIGH, NC 27616

(919) 431-8888



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**STATE OF NORTH CAROLINA**  
 COUNTY OF HILLSBOROUGH  
 I, **DAVID D. BULLOCK**, Surveyor General, do hereby certify that the above described plat was duly filed for record in the office of the Register of Deeds, Hillsborough County, North Carolina, on this 15th day of August, 2002, and that the same is a true and correct copy of the original as filed for record.



**NOTES**  
 1. THE PURPOSE OF THIS MAP IS TO CORRECT THE ALIGNMENT OF THE EASEMENT RECORDED IN 84-1818, PG 482.  
 2. AREA BY COORDINATE METHOD.  
 3. NO POINTS WERE SET ABOVE THE GROUND.

**LEGEND**  
 R/W RIGHT OF WAY  
 E/EAS EASEMENT FROM P&C  
 --- NOT TO SCALE

**CONTROL CORNER**  
 1/4 SECTION CORNER  
 1/4 SECTION CORNER  
 1/4 SECTION CORNER

Recorded in Book of Maps 2002 Pg. 726

**SURVEYING SOLUTIONS, P.C.**  
 8401 HILLSBOROUGH ST.  
 P.O. BOX 33384 RALEIGH, NC 27636  
 (919) 804-6823

REALIGNED INGRESS AND EGRESS EASEMENT FOR  
**RED ROCK DISPOSAL, LLC**

DRAWN BY: JT	SURVEYED BY: JL, BC	CHECKED BY: DK	TOWNSHIP: HOLLY SPRINGS	COUNTY: HILLSBOROUGH	STATE: NORTH CAROLINA
PG: HAWES	JOB#: HAWES	PL: 1	SCALE: 1"=200'	DATE: 10-18-01	PROJECT: 00-048

S 239-02

(3)

Upon motion of Commissioner Ward, seconded by Commissioner Mangum, the Board unanimously approved additional appropriations from the State of North Carolina totaling \$4,3089,451 and approval of corresponding budget revisions, including approval of two Human Services senior practitioners, one social worker supervisor position and one social worker.

\*\*\*\*\*

FINAL APPROVAL OF A REQUEST  
FOR GRANT OF LANDFILL FRANCHISE  
TO RED ROCK DISPOSAL, LLC

At the January 22, 2001, meeting of the Board of Commissioners, the Board voted unanimously in favor of an application from Red Rock Disposal, LLC, (formerly named Holly Springs Landfill, LLC) and Waste Industries, Inc. for a franchise to operate a construction and demolition debris (C&D) landfill in Wake County. Since state law requires that a franchise be approved at two regular meetings before it may be finally adopted, it is being brought back to the Board for a second vote.

The facility is located at 7130 New Landfill Road near Holly Springs. The application is filed pursuant to the franchise ordinance for C&D landfills enacted by the Board of Commissioners September 7, 1999.

The ordinance provides that the Board of Commissioners may, but is not required to, hold a public hearing prior to acting on a request for a C&D franchise.

Upon motion of Commissioner Malone, seconded by Commissioner Council, the Board unanimously approved the application of Red Rock Disposal, LLC (formerly named Holly Springs Landfill, LLC and Waste Industries, Inc. for grant of franchise to operate a C&D landfill at 7130 New Landfill Road near Holly Springs.

ORDINANCE O-01-04  
GRANTING FRANCHISE TO RED ROCK DISPOSAL, LLC  
(FORMERLY HOLLY SPRINGS LANDFILL, LLC) and  
WASTE INDUSTRIES, INC. FOR OPERATION OF  
CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL

WHEREAS, Red Rock Disposal, LLC (formerly Holly Springs Landfill, LLC) and Waste Industries, Inc. have applied for a franchise for the operation of a construction and demolition debris landfill in Wake County; and

WHEREAS, the application filed by Red Rock Disposal, LLC (formerly Holly Springs Landfall, LLC) and Waste Industries, Inc. contains all of the information required by the Wake County franchise ordinance for construction debris (C&D) landfills; and

WHEREAS, the applicants have received a special use permit from the Wake County Board of Adjustment for operation of a C&D landfill on the site identified in the application.

NOW, THEREFORE, BE IT ORDAINED that Red Rock Disposal, LLC (formerly Holly Springs Landfill, LLC) and Waste Industries, Inc. are hereby granted a franchise to operate a construction and demolition debris landfill in Wake County in accordance with the representations made on the application submitted by Red Rock Disposal, LLC (formerly Holly Springs Landfill, LLC) and Waste Industries, Inc., a copy of which is maintained in the permanent files of the Clerk to the Board. This franchise shall be in effect for a period of 20 years.

Date: February 5, 2001.

\*\*\*\*\*

RESOLUTION SETTING DATE FOR ADVERTISEMENT OF TAX LIENS

In February of each year the Revenue Director is required by state law to report to the Board of Commissioners the total amount of unpaid taxes for the current fiscal year that are liens on real property. Upon receiving this report, the Board must order that the liens be advertised and must set a date on which the advertisement is to occur.

Upon motion of Commissioner Gardner, seconded by Commissioner Ward, the Board unanimously approved the adoption of a resolution setting the date for advertisement of tax liens on the 8<sup>th</sup> day of March 2001, or as soon thereafter as possible on real property in the County for unpaid taxes for the current fiscal year, liens for deferred taxes upon which no prior lien advertisement has been published and liens for delinquent taxes upon real property heretofore protected by automatic stay in bankruptcy.

RESOLUTION R-01-10  
SETTING DATE FOR ADVERTISEMENT OF TAX LIENS

WHEREAS, as required by Section 105-369 of the General Statutes of North Carolina, the Revenue Director of Wake County has, on the first Monday in February 2001, reported the total amount of unpaid taxes for the current fiscal year, including deferred taxes which have become due and for which no prior lien advertisement has been published, and property heretofore protected by automatic stay in bankruptcy.

NOW, THEREFORE, BE IT RESOLVED:

That the Revenue Director be, and he hereby is, ordered to advertise on the eighth day of March 2001, or as soon thereafter as possible the tax liens on real property in the County for unpaid taxes for the current fiscal year, liens for deferred taxes upon which no prior lien advertisement has been published, and liens for delinquent taxes upon real property heretofore protected by automatic stay in bankruptcy, and shall place said advertisement at some public location at the Courthouse and shall publish said advertisement once in one or more newspapers having general circulation in the County setting forth that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes.

\*\*\*\*\*

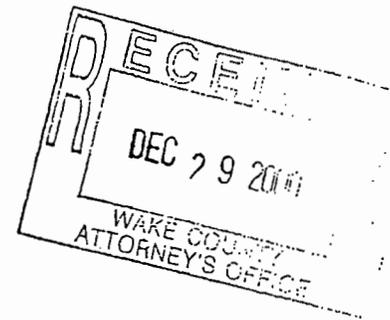
PUBLIC HEARING  
TO REZONE 6 ACRES OF A 153-ACRE PARCEL  
FROM RESIDENTIAL-30 TO CONDITIONAL USE-INDUSTRIAL-1  
END OF WRENN ROAD WEST OF INTERSTATE 40 SOUTH OF GARNER

Chairman Weeks declared the meeting open for a public hearing to consider a request to rezone six acres of a 153-acre parcel from Residential-30 to Conditional Use Industrial-1 located at the end of

(2)

STATE OF NORTH CAROLINA

COUNTY OF WAKE



APPLICATION FOR CONSTRUCTION  
AND DEMOLITION DEBRIS (C&D)  
LANDFILL FRANCHISE FOR C&D  
LANDFILL MODIFIED BY EXPANSION

NOW COMES Red Rock Disposal, LLC (formerly named Holly Springs Landfill, LLC) Property Owner and Waste Industries, Inc. Contract Purchaser and Landfill Operator collectively as Applicant and submit this Application for a Construction and Demolition Debris Landfill Franchise to the Wake County Board of Commissioners this 29th day of December, 2000.

In support of this Application there is hereby presented the following information:

1. The names of Applicant are collectively Red Rock Disposal, LLC (formerly named Holly Springs Landfill, LLC) of 2500 Ten-Ten Road, Apex, North Carolina 27502 which is the property owner and Waste Industries, Inc. of 3301 Benson Drive, Raleigh, NC 27609 contract purchaser of Red Rock Disposal, LLC and of additional land from Carolina Power & Light Company and the landfill operator.

2. Applicant Red Rock Disposal, LLC's Articles of Amendment for its change of name, and its Articles of Organization together with the Amended and Restated Articles of Incorporation for Waste Industries, Inc. are all collectively attached hereto as Exhibit A.

3. A legal description of the landfill tract which includes the proposed C&D landfill is set forth in the attached Deed recorded in Book 8101, Page 854, Wake Registry, in the contract description for the purchase of 178.3 ± acres by Waste Industries, Inc. from Carolina Power and Light Company and in the attached copies of the source deeds as follows: Deeds recorded in Book 2000, Page 427; Book 2046, Page 256; and Book 2082, Page 435, all Wake County Registry, collectively attached as Exhibit B. The landfill tract is shown on the Map of the property attached as Exhibit C.

4. The area expected to be served by the site includes Wake County, including without limitation the municipalities of Holly Springs, Fuquay-Varina, Apex, Cary and Raleigh. Additionally this site may provide, to a lesser extent, service to counties contiguous to Wake County. The present population of Wake county and the municipalities and geographic areas specified in this paragraph is estimated to be approximately 1.2 million people

This landfill site was first unanimously approved to accept Construction and Demolition (C&D) Waste by the Wake County Board of Adjustment on December 14, 1999 with approval of its Franchise No. 0-00-17 (copy attached as Exhibit D) being granted by the Wake County Board of

Commissioners on June 5, 2000. As modified by expansion, this landfill site was again unanimously approved to receive C&D Waste by the Wake County Board of Adjustment on November 14, 2000. The landfill site is located in an area dominated by the Shearon Harris Nuclear Plant with Carolina Power & Light Company being the predominant landowner in the general area. There are a few scattered single-family homes, a small mobile home park, several separate retail stores and agricultural uses in this general area, however, there is a quarry and an asphalt plant in closer proximity to the landfill and the majority of the landfill area and the quarry and asphalt plant are all located some distance off of the nearest public road, which is Rex Road (SR 1127). Specifically, access from Rex Road is shared with the quarry and asphalt plant for a distance of approximately 1,600 feet at which point a spur road then runs a distance of approximately 2,500 feet, in part across land owned by Carolina Power & Light Company, to the site. Future access to the landfill directly from Rex Road, subject to the approval of the N.C. Department of Transportation, will be available.

Attached are copies as Exhibits 1 and 2 which were presented to the Wake County Board of Adjustment on November 14, 2000 with Exhibit 1 being the Report of the traffic consultants Parsons Brinckerhoff dated November 1, 2000 which confirms the road conditions in the area and Exhibit 2 being the Appraisal Report of Williams Appraisers, Inc., dated October 27, 2000 which confirms that the proposed use will not substantially injure the value of adjoining and abutting properties and that the proposed use is in harmony with other uses in the neighborhood.

5. It is estimated that over the projected life of the proposed C&D landfill it will receive approximately 200 truckloads per day (although the number and size of truckloads per day may vary significantly depending upon the economy, weather, and other factors) with a volume of approximately 6,000,000 tons over the projected life. The proposed landfill will operate six days per week. The waste stream will be strictly limited by its State Permit to be issued by the North Carolina Department of Environmental and Natural Resources, Division of Waste Management prior to construction. The waste stream will include the following types of waste materials: asbestos, inert debris similar to types deposited in LCID landfills, asphalt, solid waste resulting from construction, remodeling, repair of demolition operations on pavement, buildings or other structures (such as furniture, carpet remnants and any other waste materials resulting from the demolition of a structure) and other materials approved by the Division of Waste Management.

6. The projected useful life of this C&D landfill is anticipated to be approximately 50 years.

7. Applicant (Property Owner/Contract Purchaser/Landfill Operator) attaches as Exhibit E a copy of the Notice of Special Use Approval which confirms that the Wake County Board of Adjustment first approved the issuance of a Special Use Permit for this proposed landfill on December 14, 1999. The Notice of Special Use Approval which confirms that the Wake County Board of Adjustment approved on November 14, 2000 the issuance of a Special Use Permit for the modification by expansion of this landfill will be provided upon its receipt from Wake County.

WHEREFORE, Applicant, being collectively Red Rock Disposal, LLC, Property Owner and Waste Industries, Inc. Contract Purchaser and Landfill Operator through their undersigned attorney respectfully request that the Wake County Board of Commissioners, after such notices, consideration and deliberation as said Board deems appropriate and in accordance with all applicable statutes, ordinances and regulations, issue the Franchise as requested by the Applicant.

Red Rock Disposal, LLC, and Waste Industries, Inc.

By: Thomas C. Worth, Jr.

Thomas C. Worth, Jr.  
Attorney for Applicant (Property Owner/Contract  
Purchaser/Landfill Operator)  
16 West Martin Street, Suite 700  
Raleigh, North Carolina 27601  
Telephone (919) 831-1125  
Facsimile (919) 831-1205

THOMAS C. WORTH, JR.

Attorney

-----  
Certified Mediator

Capital Club Building  
16 West Martin Street, Suite 700  
Post Office Box 1799  
Raleigh, North Carolina 27602  
Phone: (919) 831-1125 Fax: (919) 831-1205  
curmudgtcw@aol.com

January 8, 2001

Mr. Michael R. Ferrell  
County Attorney  
Wake County  
P.O. Box 550  
Raleigh, North Carolina 27602

VIA FACSIMILE - 856-5504  
AND HAND DELIVERY

Re: Amendment to Supplement Franchise Application of Red Rock Disposal, LLC and Waste Industries, Inc. (filed December 29, 2000)

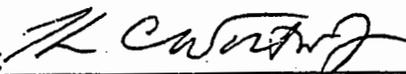
Dear Mr. Ferrell:

In support of the above referenced Franchise Application and pursuant to my letter to you of January 2, 2001 I hereby amend the subject Franchise Application as follows:

1. I supplement Application Paragraph No. 3 with the enclosed metes and bounds description, which description encompasses the entire property containing 225.381 acres  $\pm$ , including the 51.834 acres  $\pm$  owned by Red Rock Disposal, LLC and the contiguous acreage owned by Carolina Power & Light Company under contract for sale to Waste Industries, Inc., now determined to be approximately 173.5 acres  $\pm$  in size and is designated as part of Exhibit B.
2. I supplement Application Paragraph No. 7 with the enclosed Notice of Special Use Approval obtained this date from Wake County which confirms the approval of this Special Use Request No. BA:SU1890-00 by the Wake County Board of Adjustment at its meeting on November 14, 2000 and is designated as part of Exhibit E.

Respectfully submitted,

Red Rock Disposal, LLC and Waste Industries, Inc.

By: 

Thomas C. Worth, Jr.  
Attorney for Applicants (Property Owner/Contract  
Purchaser/Landfill Operator)  
16 West Martin Street, Suite 700  
Raleigh, North Carolina 27601  
Phone (919) 831-1125 Fax (919) 831-1205

North Carolina  
Department of Environment and Natural Resources



Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Interim Director

October 18, 2001

Mr. Jerry Johnson, Disposal Operations Manager  
Red Rock Disposal, LLC  
3301 Benson Drive  
Raleigh, North Carolina 27609

Subject: Solid Waste Permit No. 92-28  
Red Rock Disposal, LLC Construction and Demolition(C&D) Landfill  
7130 New Landfill Drive, Holly Springs, Wake County, North Carolina.

Dear Mr. Johnson:

The referenced PERMIT TO CONSTRUCT is issued in accordance with N.C.G.S. 130A-294 and the N.C. Solid Waste Management Rules, 15A NCAC 13B, .0201(b)(1). Enclosed is attachment 1, which lists documents included in the Approved Plan. The approved facility description includes the area described in the attached legal description. Within the approved facility, the initial area identified as Phase 1 (Phases 1A, 1B, & 1C the first five year phase) is permitted for construction as shown on Sheet No. 5/Drawing E4 (PHASE 1 SUBGRADE) and consistent with drawings noted as sheet No. 7/Drawing G1 and Sheet No. 8/Drawing X1 dated May 2001.

This permit is for the construction of the first five-year phase (Phase 1) consistent with Sheet No. 5/Drawing E4 (PHASE 1 SUBGRADE) and consistent with drawings noted as sheet No. 7/Drawing G1 and Sheet No. 8/Drawing X1 dated May 2001 of the approved plans. At the end of the first five-year operational period, Red Rock Disposal, LLC may apply for an expansion into and construction of Phase 2, but will be subject to all rules in effect at that time. This permit is issued to Red Rock Disposal, LLC as the owner and operator of the facility.

Please refer to the GENERAL CONDITIONS of this permit for recordation procedures, the definition of the approved plan, and for general terms of the Solid Waste Permit. The CONSTRUCTION AND OPERATION conditions describe permitted fill areas, acceptable waste types, landfill operation, and requirements which must be satisfied prior to operation of the facility as a Construction & Demolition landfill. Specific requirements for groundwater monitoring and facility record keeping and reporting are described in the MONITORING AND REPORTING conditions.

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone: 919-733-0692 \ FAX: 919-733-4810 \ Internet: [www.enr.state.nc.us/](http://www.enr.state.nc.us/)

EXHIBIT C

Mr. Johnson  
Page 2  
October 18, 2001

Please review the Conditions of Permit thoroughly, especially the following specific conditions:

- A. Monitoring and Reporting Requirement No. 12(e) requires that the groundwater quality monitoring wells must be installed and sampled prior to accepting waste at this landfill. Please consult with Ms. Ellen Lorscheider, Solid Waste Section Project Hydrogeologist at (919) 733-0692, Ext. 345 just prior to well construction to help ensure that completed wells meet well construction standards and will be acceptable for monitoring purposes.

Again, please review the Conditions of Permit thoroughly and contact me if you have any questions or if you require further clarification. Mr. Robert Hearn is the Solid Waste Section Waste Management Specialist for this area and can be contacted at the DENR Raleigh Regional Office by phone at (919) 571-4700. Jim Coffey can be contacted at the Raleigh Central Office at (919) 733-0692 Extension 255 or Jim Barber at (919) 733-0692 Extension 344.

Respectfully,



Jim Barber  
Eastern Area Engineer  
Solid Waste Section  
enclosure

cc: Jim Coffey  
Mark Fry  
Robert Hearn  
Ellen Lorscheider  
✓ John Gardner  
Raleigh Central File: Wake County; 92-28 Permit File

**CERTIFIED COPY**

I DO HEREBY CERTIFY THAT THE ATTACHED PERMIT IS AN EXACT AND TRUE COPY OF PERMIT NUMBER 92-28.

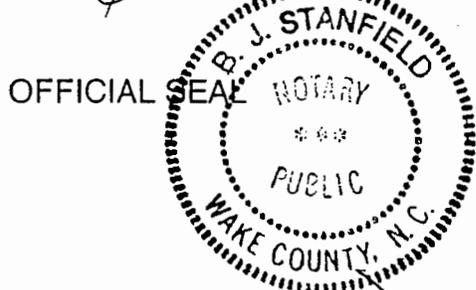
James C Coffey  
James C. Coffey, Acting Chief  
Solid Waste Section

North Carolina

Wake County

I, B. J. Stanfield, a Notary Public for said County and State, do hereby certify that JAMES C. COFFEY of the Solid Waste Section, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 18 day of October, 2001.



B. J. Stanfield  
NOTARY PUBLIC

My commission expires December 29, 2004

PERMIT NO.: 92-28  
DATE ISSUED(PTC): 10/18/2001  
DATE ISSUED(PTO): N/A

STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WASTE MANAGEMENT  
1646 MAIL SERVICE CENTER; RALEIGH, NC 27699-1646

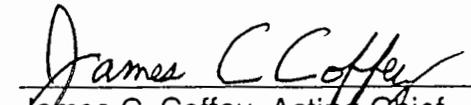
SOLID WASTE PERMIT

RED ROCK DISPOSAL, LLC

is hereby issued a PERMIT TO CONSTRUCT a

Construction and Demolition Landfill unit, PHASE 1 (sub-phases 1A, 1B & 1C)

located on the south side of Rex Road and further described as 7130 New Landfill Road in Holly Springs Township, Raleigh, Wake 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 of the site included with this permit and further identified on the deed recorded for this property in Book: 8101 and Page(s): 0854 - 0586 in the Wake County Register of Deeds for Red Rock Disposal, LLC.

  
James C. Coffey, Acting Chief  
Solid Waste Section

PERMIT NO.: 92-28  
DATE ISSUED(PTC): 10/18/2001  
DATE ISSUED(PTO): N/A

SOLID WASTE PERMIT  
PERMIT TO CONSTRUCT  
RED ROCK DISPOSAL, LLC

A Construction and Demolition Debris Landfill Unit - PHASE 1(phases 1A, 1B & 1C)

**CONDITIONS OF PERMIT:**

GENERAL

1. This PERMIT TO CONSTRUCT will be in effect for eighteen months from date of issuance and may be reviewed under rules in effect at that time if the facility is not constructed within this time frame. Modifications to the facility may be required in accordance with rules in effect at the time of review. This permit shall not be effective unless the PERMIT TO CONSTRUCT along with the certified copy is filed in the Register of Deeds Office, 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 shall be returned to the Solid Waste Section and shall have indicated on it the page, book number, date of recordation and the Register's seal.  
When this property is sold, leased, transferred or conveyed, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument, a statement that the property has been used as a sanitary landfill.
2. The approved plan is described by Attachment 1, "List of Documents for Approved Plan". Where discrepancies may exist, the most recent submittal and the Conditions of Permit shall govern. Some components of the approved plan are reiterated in the Conditions of Permit.
3. This permit is not transferable.
4. This permit is for a period of five years from the date of the PERMIT TO OPERATE and is subject to review on or before the date of the PERMIT TO OPERATE as per 15A NCAC 13B .0201(c). Modifications to the facility may be required in accordance with the rules in effect at the time of the review.
5. The service area for this facility consists of the following counties: CHATHAM, DURHAM, FRANKLIN, GRANVILLE, HARNETT, JOHNSTON, NASH AND WAKE. The disposal capacity for the facility (PHASE 1) is approximately 3,450,000 cubic yards(sheet 2 of 4 analysis of life expectancy) and consistent with the final contours as shown on SHEET NO. 6/DRAWING E5 in the construction application. This capacity is based the receipt of 200 trucks/day and/or a average disposal rate of 2000 tons/day based on a 286 operating days per year, with a maximum variance in accordance with GS 130A-294(b1)(1).

## CONSTRUCTION

6. This permit is for the construction of Red Rock Disposal, LLC Construction and Demolition(C&D) Landfill unit denoted as Phase 1(phases 1A, 1B & 1C) in accordance with the site plan SHEET NO. 5/DRAWING E4, titled " Phase 1 - SUBGRADE". Prior to placing waste in areas of Phase 1, consistent with the above mentioned drawing, certification that Phase 1 has been constructed and graded in accordance with the approved plans will be required.
7. All sedimentation/erosion control activities will be conducted in accordance with the Sedimentation Control Act codified at 15 NCAC 4. Native vegetation shall be established on the completed C&D landfill unit in accordance with 15A NCAC 13B .0505 (3)(b)(c).
8. The following requirements shall be met prior to operation of PHASE 1(i.e. Prior to the issuance of a PERMIT TO OPERATE):
  - a. PHASE 1 preparation shall be in accordance with the construction plan, SHEET NO. 5/DRAWING E4 , and the conditions specified herein; and construction of PHASE 1 shall be certified by the design engineer to be constructed in accordance with the approved plans.
  - b. PHASE 1 unit inspection shall be made by a representative of the Division of Waste Management (DWM) with the owner/operator.
  - c. Signs shall be posted at the entrance of Red Rock Disposal, LLC landfill, in accordance with the Access and Safety Requirements under Operation Condition .0505(8).
  - d. Groundwater monitoring wells (see Monitoring and Reporting Requirements) shall be installed consistent with condition 14(a) thru (g). A baseline sampling for water quality shall be performed. Well construction records, soil boring logs and sample analysis results shall be submitted to the Section Hydrogeologist for review and approval prior to operation of the C&D unit. Additional interim ground water monitoring well(s) shall be installed to the south and east of the PHASE 1 footprint, within the review boundary for PHASE 1, at the design hydrogeologist recommended locations. A proposed location plan for the additional well(s) shall be submitted to the Solid Waste Section for review and concurrence.
  - e. Inspection and certification of the PHASE 1 subgrade, by the project hydrogeologist, to determine if subgrade conditions are consistent with the observations made during the initial site investigations and information provided in the site hydrogeology report. If conditions found are different than conditions stated in the hydrogeologic report or that would impact or have an effect on the proposed ground water monitoring system; then a revised ground watering monitoring plan will be required.
  - f. Sedimentation basin SB-B needs to be relocated so that SB-B is not between the waste boundary and MW-5, as shown on Figure 1 - Phase 1; GROUND WATER MONITORING NETWORK drawing dated May 2001.

- g. No blasting shall take place on the site unless a pre-blast survey is performed and a blasting plan is submitted to the Solid Waste Section for review and concurrence.
- h. All well construction records and soil boring logs( for existing and new wells), along with sample analysis results shall be submitted to the Section Hydrogeologist for review and approval prior to operation of the C&D unit.

OPERATION:

- 9. This C&D unit (PHASE 1) is permitted to receive the following waste types:
  - a. Land-clearing debris as defined in G.S. 130A-290, specifically, solid waste which is generated solely from land-clearing activities, such as stumps, trees;
  - b. Inert debris defined as solid waste which consists solely of material that is virtually inert, such as brick, concrete, rock and clean soil; and
  - c. Asphalt in accordance with G.S. 130-294(m).
  - d. Construction and demolition debris defined as solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures.

Yard trash as defined in G.S. 130A-290, shall not be disposed in the landfill area. However, yard trash, along with land-clearing debris, may be accepted for processing in the Yard Waste Composting Area or disposed of in a LCID landfill.

- 10. Operation of the C&D landfill unit shall conform to the operating procedures described in the approved plan, in accordance with Section .0505 of the Solid Waste Management Rules, and in accordance with the following requirements:  
Waste Acceptance and Disposal.
  - a. The C&D unit shall accept only those solid wastes which it is permitted to receive as outlined in condition 9.
  - b. No municipal solid waste, hazardous waste, or liquid waste shall be accepted for disposal in the C&D unit.
  - c. The permittee shall implement a program for the C&D unit for detecting and preventing the disposal of MSW, hazardous or liquid wastes. The program shall include, at a minimum:
    - (i) Random inspections of incoming loads or other comparable procedures;
    - (ii) Records of any inspections;
    - (iii) Training of personnel to recognize hazardous and liquid wastes;
    - (iv) Development of a contingency plan to properly manage any identified hazardous, liquid or MSW wastes; The plan must address identification, removal, storage, and final disposition of waste.

Cover Material Requirements

- d. Operational soil cover of at least six inches shall be placed at least once per week or when the active area reaches ½ acre in size, or more often as necessitated by the nature of the waste, as to prevent the site from becoming a visual nuisance and to prevent fire, windblown materials, vectors, or excessive water infiltration.

- e. Areas which will not have additional waste placed on them for 12 months or more, but where final termination of operations has not occurred, shall be covered with a minimum of one foot of soil cover [15A NCAC 13B .0505(3)(b)].
- f. After final termination of disposal operations at the C&D unit or major part thereof, or upon revocation of a permit, the fill areas shall be covered with at least two feet of suitable compacted earth [15A NCAC 13B .0505(3)(c)] or a cap as specified by the rules in effect at the time of closure.

#### Access and Safety

- g. The C&D unit shall be adequately secured by means of gates, chains, berms, fences, or other security measures approved by the DWM to prevent unauthorized entry.
- h. An attendant shall be on duty at the RED ROCK DISPOSAL, LLC landfill at all times while it is open for public use to ensure compliance with operational requirements.
- i. The access road from Rex Road to the C&D unit shall be of all-weather construction and maintained in good condition.
- j. Dust control measures shall be implemented when necessary.
- k. Signs providing information on dumping procedures, the hours of operation, the permit number, and other pertinent information shall be posted at the entrance to the RED ROCK DISPOSAL, LLC landfill.
- l. Signs shall be posted stating that no MSW, hazardous waste or liquid waste can be received in the C&D unit.
- m. Traffic signs or markers shall be provided as necessary to promote an orderly traffic pattern to and from the discharge area and to maintain efficient operating conditions.
- n. The removal of solid waste from the facility is prohibited unless the owner/operator approves and the removal is not performed on the working face. If C&D recycling is to take place in the future; amendment of the operations plan shall be submitted to the Solid Waste Section for approval.
- o. Barrels and drums shall not be disposed of unless they are empty and perforated sufficiently to ensure that no liquid or hazardous waste is contained therein, except fiber drums containing asbestos. Asbestos waste shall be managed in accordance with 40 CFR 61.
- p. Open burning of solid waste is prohibited. Fires shall be reported to the Solid Waste Section by phone within 24 hours of an incident and written notification shall be submitted within 14 working days addressing the events at the site and future actions to be taken in the future to avoid and or mitigate potential fire hazards.
- q. The concentration of explosive gases generated by the C&D unit shall not exceed:
  - l. twenty-five percent of the lower explosive limit(1.25% of CH<sub>4</sub>) for gases in site structures (excluding gas control or recovery system components if necessary; and

- ii. One hundred percent of the lower explosive limit(5% CH4) for gases at the property boundary. Installation of permanent gas monitoring wells may be required in the future to demonstrate compliance.

#### Erosion and Sedimentation Control

- r. Adequate sedimentation and erosion control measures shall be practiced to prevent silt from leaving the site of the C&D unit.
- s. Adequate sedimentation and erosion control measures shall be practiced to prevent excessive on-site erosion.
- t. Provisions for a vegetative ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of C&D landfill unit development or as addressed in the approved Sedimentation and Erosion Control permit.

#### Drainage Control and Water Protection Requirements

- u. Surface water shall be diverted from the operational area.
- v. Surface water shall not be impounded over or in waste.
- w. A separation distance of at least four feet shall be maintained between the C&D waste and the groundwater table; as addressed in the site suitability application, hydrologic assessment section.
- x. Solid waste(C&D) shall not be disposed of in water.
- y. Leachate shall be contained on site or properly treated prior to discharge. An NPDES permit may be required prior to discharge of leachate to surface waters and or for land disturbing activities greater than one acre.

- 11. All pertinent landfill operating personnel will receive training and supervision necessary to properly operate this C&D landfill unit in accordance with G.S. 130A-309.25 and addressed by memorandum dated 29 November 2000(enclosed).
- 12. Ground water quality for the C&D landfill unit is subject to the classification and remedial action provisions referenced in Rule .0503 (2)(d) of 15A NCAC 13B.
- 13. 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 C&D unit in accordance with all rules in effect at that time. At a minimum, the plan shall address the following:
  - a. Design of a final cover system as required by 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;
  - c. Surface water, ground water, and explosive gas monitoring.

#### MONITORING AND REPORTING REQUIREMENTS

- 14. Ground-water monitoring wells and monitoring requirements for the C&D landfill unit:

- a. Monitoring well design and construction shall conform to the specifications outlined in, "North Carolina Water Quality Monitoring Guidance Document for Solid Waste Facilities-DRAFT" and water quality sampling and analysis shall be done in accordance with Construction and Demolition landfills and Closed Sanitary Landfills
  - b. A total of eight locations(six existing and future proposed wells) for ground water wells( MW-1, MW-2, MW-3, MW-4, MW-5, MW-10 and proposed locations) and three surface water locations(SW-1, SW-2, SW-3) [in accordance with the approved Groundwater Monitoring Plan dated 18 May 2001 by Joan A. Smyth, P.G.] as outlined in Attachment G of the water quality monitoring plan located in the permit to construct application.
  - c. A geologist shall be in the field to supervise well installation. The exact locations, screened intervals, and nesting of the wells shall be established after consultation with the SWS Hydrogeologist at the time of well installation.
  - d. For each monitoring well constructed, a well completion record shall be submitted to DWM within 30 days upon completion.
  - e. Prior to the acceptance of any waste at the C&D unit, a baseline sampling event shall be completed and analysis submitted to the SWS Hydrogeologist.
  - f. Sampling equipment, procedures, and parameters shall conform to specifications outlined in the above-referenced guidance document,[Monitoring and Reporting Requirements, condition 14(a) pg. 8] or the current guidelines established by DWM at the time of sampling.
  - g. In order to determine ground-water flow directions and rates, each monitoring well shall be surveyed, and hydraulic conductivity values and effective porosity values shall be established for the screened intervals for each monitoring well.
  - h. The permittee shall sample the monitoring wells semi-annually or as directed by the SWS Hydrogeologist. In addition to the wells described in condition 14(b); surface water locations SW-1, SW-2 and SW-3 shall, as shown on the Water Quality Monitoring Plan dated 18 May 2001, also be sampled semi-annually as part of the monitoring system.
  - i. A readily accessible unobstructed path shall be initially cleared and maintained so that four-wheel drive vehicles may access the monitoring wells at all times.
15. The permittee shall maintain a record of all monitoring events and analytical data. Reports of the analytical data for each water quality monitoring sampling event shall be submitted to DWM in a timely manner.
  16. The permittee shall maintain a record of the amount of solid waste received at the C&D unit, compiled on a monthly basis. Scales shall be used to weigh the amount of waste received.

17. On or before 01 August 2001, and each year thereafter, the permittee shall report the amount of waste received (in tons) at the C&D unit and disposed of in the C&D landfill unit to the Solid Waste Section and to all counties from which waste was accepted, on forms prescribed by the Section. This report shall include the following information:
  - a. The reporting period shall be for the previous year, beginning 01 July and ending on 30 June;
  - b. The amount of waste received and landfilled in tons, compiled on a monthly basis, and;
  - c. Documentation that a copy of the report has been forwarded to all counties from which waste was accepted.
  
18. All records shall be maintained on-site and made available to the SWS upon request, specifically records generated by conditions 10, 11, 13, 14, 15, 16 & 17.



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 4, 2004

Mr. Jerry Johnson, Disposal Operations Manager  
Red Rock Disposal, LLC  
3301 Benson Drive  
Raleigh, North Carolina 27609

Subject: Solid Waste Permit No. 92-28  
Red Rock Disposal, LLC Construction and Demolition(C&D) Landfill  
7130 New Landfill Drive, Holly Springs, Wake County, North Carolina.  
Modification #2: Re-design and construction of Phase 1 (Cell 1C).

Dear Mr. Johnson:

The referenced PERMIT TO CONSTRUCT is issued in accordance with N.C.G.S. 130A-294 and the N.C. Solid Waste Management Rules, 15A NCAC 13B, .0201(b)(1)&(2) and .203(c)&(d). Enclosed is attachment 1, which lists documents included in the Approved Plan. The approved facility description includes the area described in the attached legal description, as part of the original Permit to Construct. Within the approved facility, the area identified for this Permit to Construct is Phase 1, (sub-phases 1A , 1B and 1C revised; consistent with drawings noted as sheet No. 6/Drawing E5, Sheet No. 8/Drawing X1, and Sheet No. 9/Drawing X2 dated October 2003. The specific drawings that were reviewed are sealed by Pieter K. Scheer dated 11/23/03 (full size and half size drawings) and 4/23/04 by John M. Gardner (full size and half size drawings).

This permit is for the construction of the first five-year phase, Phase 1 (sub- phase 1A, 1B and 1C revised) consistent with consistent with drawings noted as sheet No. 6/Drawing E5, Sheet No. 8/Drawing X1, and Sheet No. 9/Drawing X2 dated October 2003. At the end of the first five-year operational period, Red Rock Disposal, LLC may apply for an expansion into and construction of Phase 2, but will be subject to all rules in effect at that time. This permit is issued to Red Rock Disposal, LLC as the owner and operator of the facility.

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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Mr. Johnson  
Page 2  
June 4, 2004

Please refer to the **GENERAL CONDITIONS** of this permit for the definition of the approved plan, and for general terms of the Solid Waste Permit. The **CONSTRUCTION AND OPERATION** conditions describe permitted fill areas, acceptable waste types, landfill operation, and requirements which must be satisfied prior to operation of the facility as a Construction & Demolition landfill. Specific requirements for groundwater monitoring and facility record keeping and reporting are described in the **MONITORING AND REPORTING** conditions.

Please review the Conditions of Permit thoroughly, especially the following specific conditions:

- A. Monitoring and Reporting Requirement No. 12(e) requires that the groundwater quality monitoring wells must be installed and sampled prior to accepting waste at this landfill. Please consult with Ms. Ellen Lorscheider, Solid Waste Section Project Hydrogeologist at (919) 733-0692, Ext. 345 just prior to well construction to help ensure that completed wells meet well construction standards and will be acceptable for monitoring purposes. **ONCE ON-SITE SURFACE WATER FEATURES HAVE SUFFICIENT FLOW THAT ALLOWS SAMPLING; RED ROCK DISPOSAL SHALL SAMPLE ALL SURFACE WATER POINTS (SW-1, SW-2 AND SW-3) AND SUBMIT A COPY OF THE TRANSMITTAL LETTER WITH DATE SAMPLES AND SAMPLE RESULTS IN FUTURE UPON RECEIPT FROM YOUR CONTRACT LAB.**

Again, please review the Conditions of Permit thoroughly and contact me if you have any questions or if you require further clarification. Mr. Flint Worrell is the Solid Waste Section Waste Management Specialist for this area and can be contacted at the DENR Fayetteville Regional Office by phone at (910) 486-1541 or contact Mark Fry at the same number. Jim Barber can be contacted at the Raleigh Central Office at (919) 733-0692 Extension 255.

Respectfully,



Jim Barber  
Eastern Area Engineer  
Solid Waste Section  
enclosure

cc: Jim Coffey                      Mark Fry  
      Flint Worrell                  Ellen Lorscheider  
      John Gardner                 Raleigh Central File: Wake County; 92-28 Permit File

PERMIT NO.: 92-28  
DATE ISSUED(PTC mod #2): 06/04/2004

STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WASTE MANAGEMENT  
1646 MAIL SERVICE CENTER; RALEIGH, NC 27699-1646

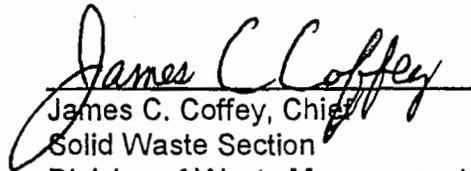
SOLID WASTE PERMIT

RED ROCK DISPOSAL, LLC

is hereby issued a PERMIT TO CONSTRUCT a

Construction and Demolition Landfill unit, PHASE 1 (sub-phases 1A, 1B & 1C revised)

located on the south side of Rex Road and further described as 7130 New Landfill Road in Holly Springs Township, Raleigh, Wake 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 of the site included with this permit and further identified on the deed recorded for this property in Book: 8101 and Page(s): 0854 - 0586 in the Wake County Register of Deeds for Red Rock Disposal, LLC.

  
James C. Coffey, Chief  
Solid Waste Section  
Division of Waste Management

PERMIT NO.: 92-28  
DATE ISSUED(PTC mod #2): 06/04/2004

SOLID WASTE PERMIT  
PERMIT TO CONSTRUCT - RED ROCK DISPOSAL, LLC  
Construction and Demolition Debris Landfill Unit  
PHASE 1(phases 1A, 1B & 1C revised)

CONDITIONS OF PERMIT:

GENERAL

1. This PERMIT TO CONSTRUCT will be in effect for eighteen months from date of issuance and may be reviewed under rules in effect at that time if the facility is not constructed within this time frame. Modifications to the facility may be required in accordance with rules in effect at the time of review. This permit shall not be effective unless the PERMIT TO CONSTRUCT along with the certified copy is filed in the Register of Deeds Office, 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 shall be returned to the Solid Waste Section and shall have indicated on it the page, book number, date of recordation and the Register's seal. When this property is sold, leased, transferred or conveyed, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument, a statement that the property has been used as a sanitary landfill.
2. The approved plan is described by Attachment 1, "List of Documents for Approved Plan". Where discrepancies may exist, the most recent submittal and the Conditions of Permit shall govern. Some components of the approved plan are reiterated in the Conditions of Permit.
3. This permit is not transferable.
4. This permit is for a period of five years from the date of the PERMIT TO OPERATE and is subject to review on or before the date of the PERMIT TO OPERATE as per 15A NCAC 13B .0201(c). Modifications to the facility may be required in accordance with the rules in effect at the time of the review.
5. The service area for this facility consists of the following counties: CHATHAM, DURHAM, FRANKLIN, GRANVILLE, HARNETT, JOHNSTON, NASH AND WAKE. The disposal capacity for the facility (PHASE 1) is approximately 3,450,000 cubic yards(sheet 2 of 4 analysis of life expectancy) and consistent with the final contours as shown on SHEET NO. 4/DRAWING E3 in the revised construction application dated 11/26/03. This capacity is based the receipt of 200 trucks/day and/or a average disposal rate of 2000 tons/day based on a 286 operating days per year, with a maximum variance in accordance with GS 130A-294(b1)(1).

## CONSTRUCTION

6. This permit is for the construction of Red Rock Disposal, LLC Construction and Demolition(C&D) Landfill unit denoted as Phase 1(phases 1A, 1B & 1C revised) in accordance with the site plan SHEET NO. 6/DRAWING E5, titled " Phase 1 FINAL GRADING AND DRAINAGE PLAN" dated 11/26/03. Prior to placing waste in areas of Phase 1C revised, consistent with the above mentioned drawing, certification that Phase 1C revised has been constructed and graded in accordance with the approved plans will be required.
7. All sedimentation/erosion control activities will be conducted in accordance with the Sedimentation Control Act codified at 15 NCAC 4. Native vegetation shall be established on the completed C&D landfill unit in accordance with 15A NCAC 13B .0505 (3)(b)(c).
8. The following requirements shall be met prior to operation of PHASE 1(i.e. Prior to the issuance of a PERMIT TO OPERATE):
  - a. PHASE 1C revised preparation shall be in accordance with the construction plan, SHEET NO. 6/DRAWING E5 dated 11/16/03, and the conditions specified herein; and construction of PHASE 1C revised shall be certified by the design engineer to be constructed in accordance with the approved plans.
  - b. PHASE 1C revised unit inspection shall be made by a representative of the Division of Waste Management (DWM) with the owner/operator.
  - c. Signs shall be posted at the entrance of Red Rock Disposal, LLC landfill, in accordance with the Access and Safety Requirements under Operation Condition .0505(8).
  - d. Groundwater monitoring wells (see Monitoring and Reporting Requirements) shall be installed consistent with condition 14(a) thru (g). A baseline sampling for water quality shall be performed. Well construction records, soil boring logs and sample analysis results shall be submitted to the Section Hydrogeologist for review and approval prior to operation of the C&D unit. Additional interim ground water monitoring well(s) shall be installed to the south and east of the PHASE 1 footprint, within the review boundary for PHASE 1, at the design hydrogeologist recommended locations. A proposed location plan for the additional well(s) shall be submitted to the Solid Waste Section for review and concurrence.
  - e. Inspection and certification of the PHASE 1C revised subgrade, by the project hydrogeologist, to determine if subgrade conditions are consistent with the observations made during the initial site investigations and information provided in the site hydrogeology report. If conditions found are different than conditions stated in the hydrogeologic report or that would impact or have an effect on the proposed ground water monitoring system; then a revised ground watering monitoring plan will be required.

- f. Sedimentation basin SB-B needs to be relocated so that SB-B is not between the waste boundary and MW-5, as shown on Figure 1 - Phase 1; GROUND WATER MONITORING NETWORK drawing dated May 2001.
- g. No blasting shall take place on the site unless a pre-blast survey is performed and a blasting plan is submitted to the Solid Waste Section for review and concurrence.
- h. All well construction records and soil boring logs( for existing and new wells), along with sample analysis results shall be submitted to the Section Hydrogeologist for review and approval prior to operation of the C&D unit.

**OPERATION:**

- 9. This C&D unit (PHASE 1, sub-phases 1A, 1B and 1C revised) is permitted to receive the following waste types:
  - a. Land-clearing debris as defined in G.S. 130A-290, specifically, solid waste which is generated solely from land-clearing activities, such as stumps, trees;
  - b. Inert debris defined as solid waste which consists solely of material that is virtually inert, such as brick, concrete, rock and clean soil; and
  - c. Asphalt in accordance with G.S. 130-294(m).
  - d. Construction and demolition debris defined as solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures.

Yard trash as defined in G.S. 130A-290, shall not be disposed in the landfill area. However, yard trash, along with land-clearing debris, may be accepted for processing in the Yard Waste Composting Area or disposed of in a LCID landfill.
- 10. Operation of the C&D landfill unit shall conform to the operating procedures described in the approved plan, in accordance with Section .0505 of the Solid Waste Management Rules, and in accordance with the following requirements: Waste Acceptance and Disposal.
  - a. The C&D unit shall accept only those solid wastes which it is permitted to receive as outlined in condition 9.
  - b. No municipal solid waste, hazardous waste, or liquid waste shall be accepted for disposal in the C&D unit.
  - c. The permittee shall implement a program for the C&D unit for detecting and preventing the disposal of MSW, hazardous or liquid wastes. The program shall include, at a minimum:
    - (i) Random inspections of incoming loads or other comparable procedures;
    - (ii) Records of any inspections;
    - (iii) Training of personnel to recognize hazardous and liquid wastes;
    - (iv) Development of a contingency plan to properly manage any identified hazardous, liquid or MSW wastes; The plan must address identification, removal, storage, and final disposition of waste.

### Cover Material Requirements

- d. Operational soil cover of at least six inches shall be placed at least once per week or when the active area reaches ½ acre in size, or more often as necessitated by the nature of the waste, as to prevent the site from becoming a visual nuisance and to prevent fire, windblown materials, vectors, or excessive water infiltration.
- e. Areas which will not have additional waste placed on them for 12 months or more, but where final termination of operations has not occurred, shall be covered with a minimum of one foot of soil cover [15A NCAC 13B .0505(3)(b)].
- f. After final termination of disposal operations at the C&D unit or major part thereof, or upon revocation of a permit, the fill areas shall be covered with at least two feet of suitable compacted earth [15A NCAC 13B .0505(3)(c)] or a cap as specified by the rules in effect at the time of closure.

### Access and Safety

- g. The C&D unit shall be adequately secured by means of gates, chains, berms, fences, or other security measures approved by the DWM to prevent unauthorized entry.
- h. An attendant shall be on duty at the RED ROCK DISPOSAL, LLC landfill at all times while it is open for public use to ensure compliance with operational requirements.
- i. The access road from Rex Road to the C&D unit shall be of all-weather construction and maintained in good condition.
- j. Dust control measures shall be implemented when necessary.
- k. Signs providing information on dumping procedures, the hours of operation, the permit number, and other pertinent information shall be posted at the entrance to the RED ROCK DISPOSAL, LLC landfill.
- l. Signs shall be posted stating that no MSW, hazardous waste or liquid waste can be received in the C&D unit.
- m. Traffic signs or markers shall be provided as necessary to promote an orderly traffic pattern to and from the discharge area and to maintain efficient operating conditions.
- n. The removal of solid waste from the facility is prohibited unless the owner/operator approves and the removal is not performed on the working face. If C&D recycling is to take place in the future; amendment of the operations plan shall be submitted to the Solid Waste Section for approval.
- o. Barrels and drums shall not be disposed of unless they are empty and perforated sufficiently to ensure that no liquid or hazardous waste is contained therein, except fiber drums containing asbestos. Asbestos waste shall be managed in accordance with 40 CFR 61.

- p. Open burning of solid waste is prohibited. Fires shall be reported to the Solid Waste Section by phone within 24 hours of an incident and written notification shall be submitted within 14 working days addressing the events at the site and future actions to be taken in the future to avoid and or mitigate potential fire hazards.
- q. The concentration of explosive gases generated by the C&D unit shall not exceed:
  - i. twenty-five percent of the lower explosive limit(1.25% of CH<sub>4</sub>) for gases in site structures (excluding gas control or recovery system components if necessary; and
  - ii. One hundred percent of the lower explosive limit(5% CH<sub>4</sub>) for gases at the property boundary. Installation of permanent gas monitoring wells may be required in the future to demonstrate compliance.

#### Erosion and Sedimentation Control

- r. Adequate sedimentation and erosion control measures shall be practiced to prevent silt from leaving the site of the C&D unit.
- s. Adequate sedimentation and erosion control measures shall be practiced to prevent excessive on-site erosion.
- t. Provisions for a vegetative ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of C&D landfill unit development or as addressed in the approved Sedimentation and Erosion Control permit.

#### Drainage Control and Water Protection Requirements

- u. Surface water shall be diverted from the operational area.
  - v. Surface water shall not be impounded over or in waste.
  - w. A separation distance of at least four feet shall be maintained between the C&D waste and the groundwater table; as addressed in the site suitability application, hydrologic assessment section.
  - x. Solid waste(C&D) shall not be disposed of in water.
  - y. Leachate shall be contained on site or properly treated prior to discharge. An NPDES permit may be required prior to discharge of leachate to surface waters and or for land disturbing activities greater than one acre.
11. All pertinent landfill operating personnel will receive training and supervision necessary to properly operate this C&D landfill unit in accordance with G.S. 130A-309.25 and addressed by memorandum dated 29 November 2000(enclosed).
  12. Ground water quality for the C&D landfill unit is subject to the classification and remedial action provisions referenced in Rule .0503 (2)(d) of 15A NCAC 13B.

13. 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 C&D unit in accordance with all rules in effect at that time. At a minimum, the plan shall address the following:
  - a. Design of a final cover system as required by 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;
  - c. Surface water, ground water, and explosive gas monitoring.

#### MONITORING AND REPORTING REQUIREMENTS

14. Ground-water monitoring wells and monitoring requirements for the C&D landfill unit:
  - a. Monitoring well design and construction shall conform to the specifications outlined in, "North Carolina Water Quality Monitoring Guidance Document for Solid Waste Facilities-DRAFT" and water quality sampling and analysis shall be done in accordance with Construction and Demolition landfills and Closed Sanitary Landfills
  - b. A total of ten locations for ground water wells( MW-2T, MW-3, MW-4, MW-5, MW-6T, MW-10, MW-11, MW-12, MW-13 and MW-14) and three surface water locations(SW-1, SW-2, SW-3) [in accordance with the approved Groundwater Monitoring Plan dated 26 November 2003 by Joan A. Smyth, P.G.] as outlined in Attachment G of the water quality monitoring plan located in the permit to construct application.
  - c. A geologist shall be in the field to supervise well installation. The exact locations, screened intervals, and nesting of the wells shall be established after consultation with the SWS Hydrogeologist at the time of well installation.
  - d. For each monitoring well constructed, a well completion record shall be submitted to DWM within 30 days upon completion.
  - e. Prior to the acceptance of any waste at the C&D unit, a baseline sampling event shall be completed and analysis submitted to the SWS Hydrogeologist.
  - f. Sampling equipment, procedures, and parameters shall conform to specifications outlined in the above-referenced guidance document,[Monitoring and Reporting Requirements, condition 14(a) pg. 9] or the current guidelines established by DWM at the time of sampling.
  - g. In order to determine ground-water flow directions and rates, each monitoring well shall be surveyed, and hydraulic conductivity values and effective porosity values shall be established for the screened intervals for each monitoring well.

- h. The permittee shall sample the monitoring wells semi-annually or as directed by the SWS Hydrogeologist. In addition to the wells described in condition 14(b); surface water locations SW-1, SW-2 and SW-3 shall, as shown on the Water Quality Monitoring Plan dated 26 November 2003, also be sampled semi-annually as part of the monitoring system.
  - i. A readily accessible unobstructed path shall be initially cleared and maintained so that four-wheel drive vehicles may access the monitoring wells at all times.
- 15. The permittee shall maintain a record of all monitoring events and analytical data. Reports of the analytical data for each water quality monitoring sampling event shall be submitted to DWM in a timely manner.
- 16. The permittee shall maintain a record of the amount of solid waste received at the C&D unit, compiled on a monthly basis. Scales shall be used to weigh the amount of waste received.
- 17. On or before 01 August 2004, and each year thereafter, the permittee shall report the amount of waste received (in tons) at the C&D unit and disposed of in the C&D landfill unit to the Solid Waste Section and to all counties from which waste was accepted, on forms prescribed by the Section. This report shall include the following information:
  - a. The reporting period shall be for the previous year, beginning 01 July and ending on 30 June;
  - b. The amount of waste received and landfilled in tons, compiled on a monthly basis, and;
  - c. Documentation that a copy of the report has been forwarded to all counties from which waste was accepted.
- 18. All records shall be maintained on-site and made available to the SWS upon request, specifically records generated by conditions 10, 11, 13, 14, 15, 16 & 17.

## ATTACHMENTS

### RED ROCK DISPOSAL, LLC

#### List of Documents for the Approved Plan

##### SITE SUITABILITY:

1. Report - Site Application - Red Rock Disposal, LLC - Construction & Demolition Landfill - Wake County, North Carolina; application dated 25 January 2001 and received 25 January 2001 from GNRA;
2. Response to Comments - Site Suitability Permit Application - Red Rock Disposal, LLC - Construction & Demolition Landfill - Wake County, North Carolina; application dated 15 May 2001 and received 17 May 2001 from GNRA;
3. Second Response to Comments - Site Suitability Permit Application - Red Rock Disposal, LLC - Construction & Demolition Landfill - Wake County, North Carolina; application dated June 2001 and received 13 June 2001 from GNRA;
4. Documents received on 19 September 2001 from Thomas C. Worth, Jr. addressing the franchise for Red Rock Disposal, LLC to include a affidavit from the Clerk to the Board of Commissioners, Ms. Gwendolyn I. Reynolds, and the agenda package from the January 22, 2002 Wake Board of Commissioners meeting;
5. Letter dated 29 August 2001 received on 4 September 2001 from Curtis Jones via fax addressing the issue of portable toilets at the site instead of a on-site septic system;
6. Transmittal document - Wake County BOA Documents, Red Rock Disposal, LLC cover letter dated 29 May 2001 from GNRA, received 29 May 2001;
7. E-mail dated 23 May 2001 from Ellen Lorscheider to Joan Smyth addressing site geologic and hydrogeologic issues for site suitability;
8. Letter dated 14 May 2001 from Thomas C. Worth, Jr. to John M. Gardner (w/GNRA) addressing Franchise granted to Red Rock Disposal, LLC on 5 February 2001, received 15 May 2001;
9. Certified minutes from Wake County dated 5 February 2001 and 22 January 2001 indicating the vote of the Wake County Commissioners in approving the franchise for Red Rock Disposal, LLC, received on 26 April 2001;
10. Transmittal letter dated 15 February 2001 from GNRA - Supplemental information - Site Suitability Report - Red Rock Disposal, LLC, received 15 February 2001;

11. Special Use Permit Petition and Wake County Ordinances obtained from Wake County web site on 15 March 2001;
12. Transmittal letter dated 15 September 2000 from GNRA - Supplemental information associated with the Special Use Petition - Site Suitability Report - Red Rock Disposal, LLC;
13. Transmittal letter dated 30 August 2000 from GNRA - Petition of Special Use Permit application - Proposed modification by expansion of C&D landfill - Site Suitability Report - Red Rock Disposal, LLC;

#### CONSTRUCTION APPLICATION:

14. Permit to Construct Application - Red Rock Disposal, LLC C&D Landfill - Phase 1; Wake County, North Carolina dated 27 June 2001, received 27 June 2001;
15. Erosion and Sedimentation control approval, received by fax dated 1 October 2001;
16. Access agreements for Red Rock Disposal, LLC provided with letter dated 13 September 2001, received 13 September 2001.
17. Construction site drawings dated 23 April 2004 by Pieter K. Scheer and John M. Gardner - C&D Landfill Phase 1 Engineering Drawings May 2001, revised October 2003 and April 2004.
18. Revised Permit to Construct Application, Red Rock Disposal LLC C&D Landfill - Phase 1 dated October 2003 and subsequent revisions included.
19. Policy review request letter dated 29 March 2004, concerning Erosion and Sedimentation Control, to Wake County Division of Water Quality.
20. Revised calculations for E&S design, transmittal form dated 23 April 2004.

# EXHIBIT D

PROPOSED SERVICE AREA - RED ROCK DISPOSAL, LLC			
NO.	COUNTY	NO.	COUNTY
		30	LENIOR
1	ALAMANCE	31	MARTIN
2	ANSON	32	MECKLENBURG
3	BEAUFORT	33	MONTGOMERY
4	BERTIE	34	MOORE
5	BLADEN	35	<del>NASH</del>
6	BRUNSWICK	36	NEW HANDER
7	CABARRUS	37	NORTHAMPTON
8	CASWELL	38	ONSLow
9	<del>CHATHAM</del>	39	ORANGE
10	COLUMBUS	40	PENDER
11	CrAVEN	41	PERSON
12	CUMBERLAND	42	PITT
13	DAVIDSON	43	RANDOLPH
14	DAVIE	44	RICHMOND
15	DUPLIN	45	ROBESON
16	<del>DURHAM</del>	46	ROCKINGHAM
17	EDGEComBE	47	ROWAN
18	FORSYTH	48	SAMPSON
19	<del>FRANKLIN</del>	49	SCOTLAND
20	<del>GRANVILLE</del>	50	STANLY
21	GREENE	51	STOKES
22	GUILFORD	52	SURRY
23	HALIFAX	53	UNION
24	<del>HARNETT</del>	54	VANCE
25	HOKE	55	<del>WAKE</del>
26	IREDELL	56	WARREN
27	<del>JOHNSTON</del>	57	WAYNE
28	JONES	58	WILSON
29	LEE	59	YADKIN

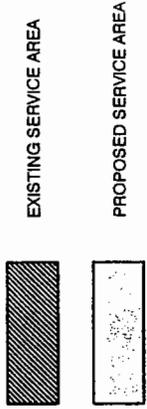
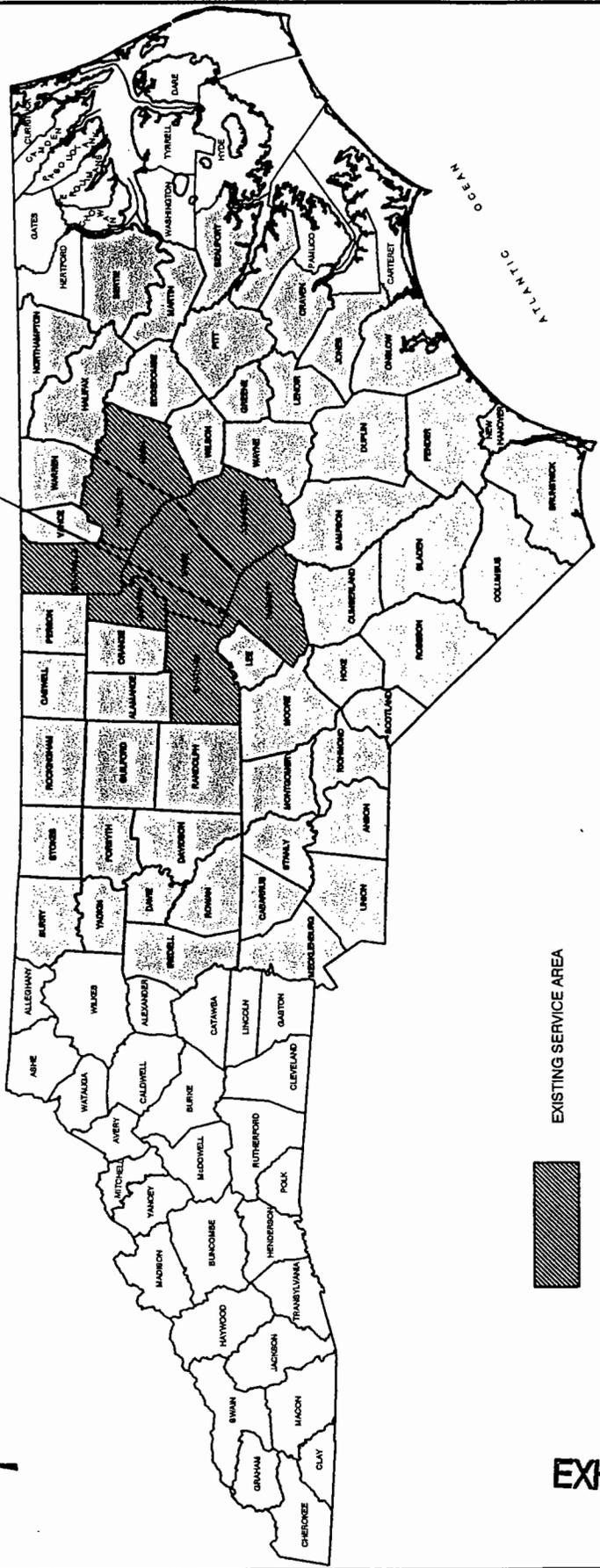
S. 2  
 New  
 Hanover

**RED ROCK DISPOSAL, LLC**  
**PLAN OF SERVICE AREA**  
**EXHIBIT D-1**

DATE: Nov. 2008	PROJECT NO. RED ROCK	FILE NAME: REDROCK-80038
JAL	CHECKED BY:	SCALE: NOT TO SCALE
DRAWN BY:	FIGURE NO. 1	

G. N. RICHARDSON & ASSOCIATES, INC.  
 Engineering and Geological Services  
 14 N. Boylan Ave.  
 Raleigh, N.C. 27603  
 www.gnr.com  
 Tel: 919-228-0577  
 Fax: 919-228-3899

RED ROCK DISPOSAL, LLC  
 C&DD LANDFILL



**EXHIBIT D-1**



**WAKE** Environmental  
**COUNTY** Services  
NORTH CAROLINA

Solid Waste Management  
P.O. Box 550 • Raleigh, NC 27602

November 16, 2006

Jerry Johnson  
VP, Landfill Division  
**WASTE INDUSTRIES, INC.**  
3301 Benson Drive, Suite 503  
Raleigh, NC 27609

Subject: Proposed Franchise Amendment  
Red Rock Disposal, LLC

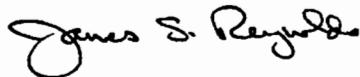
Dear Mr. Johnson:

In my capacity as Director of the Solid Waste Management Division of the Department of Environmental Services for Wake County, I have reviewed the current Wake County Solid Waste Management Plan (for the period July 1, 2006 through June 30, 2016) with respect to Waste Industries' Red Rock Disposal, LLC C&D Landfill (Red Rock).

Based on this review, it is my opinion that the current Franchise Agreement and proposed amendment to increase the service area at the Red Rock facility is consistent with Wake County's Solid Waste Management Plan required under G.S. 130A-309.09A. Further, the proposed Franchise Agreement amendment is not inconsistent with countywide waste reduction, reuse, and recycling goals.

Should you have any questions or comments in this regard, please do not hesitate to contact me.

Sincerely,



James S. Reynolds, Director  
Wake County Solid Waste Management

C: Mike Ferrell, Wake County Attorney  
Rick Rowe, Director, Wake County Department of Environmental Services  
Dan LaMontagne, Wake County Solid Waste Facilities and Operations Manager

## EXHIBIT E-2

Wake County does not presently have procedures to be followed for its oversight and regulation of fees and rates for such franchise facilities, but relies instead upon market forces to determine fees and rates to be charged by facilities subject to franchises for waste generated within its jurisdiction, rather than governmental oversight. Nevertheless, Applicant herein acknowledges that in the event Wake County changes its procedure for governmental oversight and regulation of fees and rates to be charged within its jurisdiction, that Applicant will conform to same in accordance with N.C.G.S. 130A-294(b1)(2)e.

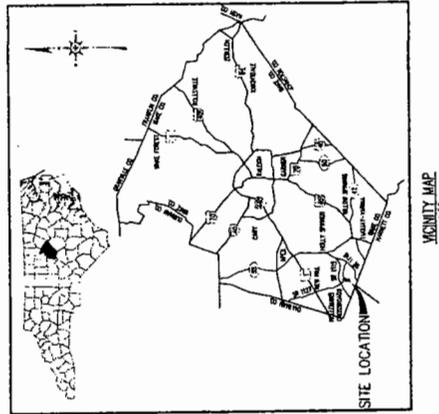
RED ROCK DISPOSAL, LLC  
WAKE COUNTY, NORTH CAROLINA

# CONSTRUCTION & DEMOLITION DEBRIS (C&D) LANDFILL PHASE 1 ENGINEERING DRAWINGS

MAY 2001

REVISED OCTOBER 2003 (SEE NO. 1)

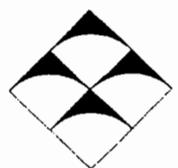
△ REVISED APRIL 2004



SHEET NO.	DRAWING NO.	DRAWING TITLE
△ 1	1	TITLE/COVER SHEET
△ 3	E2	FACILITY PLAN - BASE GRADES
4	E3	FACILITY PLAN - FINAL COVER GRADES
6	E5	PHASE 1 - FINAL GRADING AND DRAINAGE PLAN
8	X1	PHASE 1 - ENGINEERING CROSS SECTIONS (SHEET 1 OF 2)
9	X2	PHASE 1 - ENGINEERING CROSS SECTIONS (SHEET 2 OF 2)
10	EC1	PHASE 1 - EROSION AND SEDIMENTATION CONTROL DETAILS (SHEET 1 OF 5)
11	EC2	PHASE 1 - EROSION AND SEDIMENTATION CONTROL DETAILS (SHEET 2 OF 5)
13	EC4	PHASE 1 - EROSION AND SEDIMENTATION CONTROL DETAILS (SHEET 4 OF 5)
14	EC5	PHASE 1 - EROSION AND SEDIMENTATION CONTROL DETAILS (SHEET 5 OF 5)
15	EC6	PHASE 1C - INITIAL GRADING AND DRAINAGE PLAN
16	EC7	PHASE 1C-1 SUBGRADE AND DRAINAGE PLAN
△ 17	EC8	PHASE 1C-2 SUBGRADE AND DRAINAGE PLAN

**NOTE:**

1. NOT TO SCALE UNLESS OTHERWISE NOTED. ALL DETAILS OF REVISIONS SHALL BE INCLUDED IN THIS SET. ALL OTHER REVISIONS SHALL BE INDICATED AS SPECIFIED BY THE DRAWING.



**G.N. RICHARDSON & ASSOCIATES, INC.**  
**Engineering and Geological Services**

14 N. BOYLAN AVENUE RALEIGH, N.C. 27603  
PHONE-919-828-0677 FAX-919-828-3899 WWW.GNRA.COM



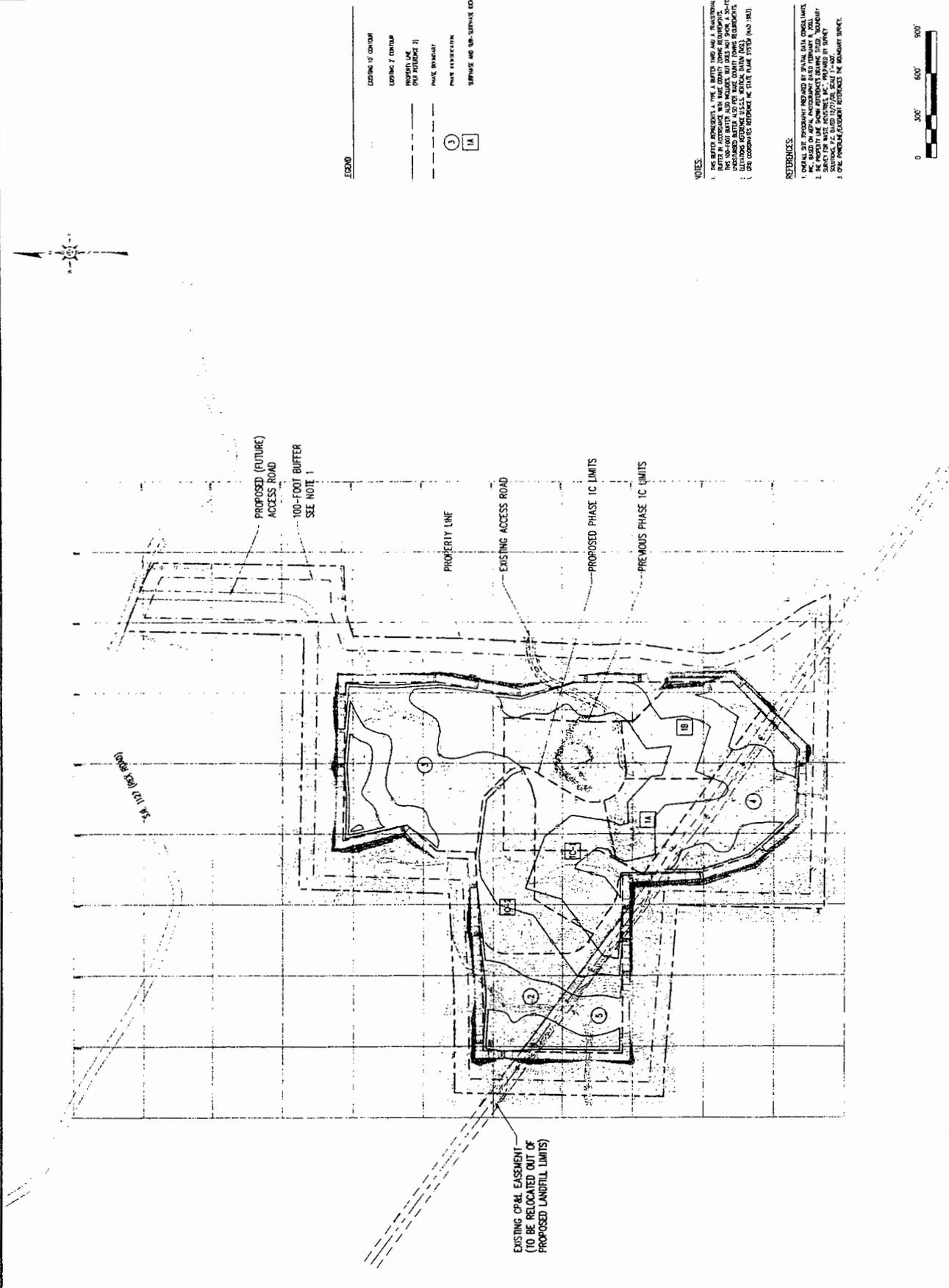


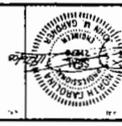


BASE GRADES  
 FACILITY PLAN

DATE	DESCRIPTION
12/10/03	ISSUED FOR PERMITS
08/14/03	REVISED GRADES
07/02/03	PHASE 1C REVISIONS
04/04/03	REVISED GRADES

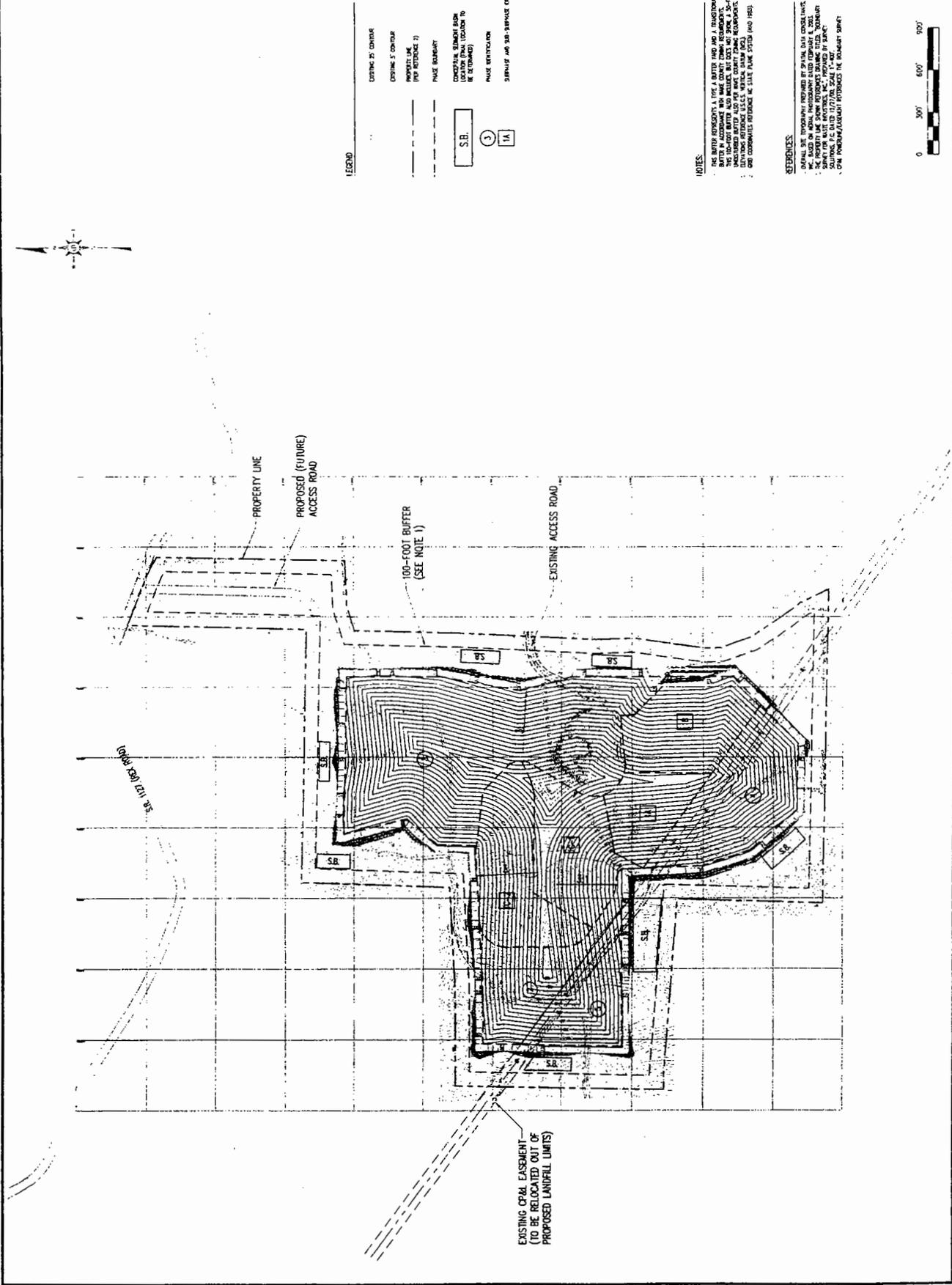
DATE	DESCRIPTION
12/10/03	ISSUED FOR PERMITS
08/14/03	REVISED GRADES
07/02/03	PHASE 1C REVISIONS
04/04/03	REVISED GRADES





DATE	DESCRIPTION
10/03	PHASE 1E REVISIONS

10/03	PHASE 1E REVISIONS



- LEGEND**
- EXISTING 25' CONTOUR
  - EXISTING 5' CONTOUR
  - PROPOSED 1'00' BUFFER (SEE REFERENCE 1)
  - PHASE BOUNDARY
  - CONCEPTUAL SLURRY BASK LOCATION (FROM LOCATION TO BE DETERMINED)
  - PUMP IDENTIFICATION
  - SIGNIFY AIR SPILLAGE CONTINUATION

- NOTES:**
- 1. THE BUFFER BOUNDARY, 1'00' BUFFER AND 1'00' BUFFER BASK LOCATIONS ARE SUBJECT TO CHANGE. REVISIONS TO THIS PLAN SHALL BE MADE BY THE CLIENT AND SHALL BE INDICATED BY A REVISION NUMBER AND DATE. REVISIONS SHALL BE MADE TO THE ORIGINAL DRAWING AND SHALL BE INDICATED BY A REVISION NUMBER AND DATE.
  - 2. ALL DIMENSIONS REFERENCED TO THE STATE PLANE SYSTEM (NAD 83).
- REFERENCES:**
- 1. SURFACE ELEVATIONS OBTAINED BY SPOT CHECKS CONDUCTED BY G.N. RICHARDSON & ASSOCIATES, INC. ON 10/03/03.
  - 2. SURFACE ELEVATIONS OBTAINED BY SPOT CHECKS CONDUCTED BY G.N. RICHARDSON & ASSOCIATES, INC. ON 10/03/03.
  - 3. SURFACE ELEVATIONS OBTAINED BY SPOT CHECKS CONDUCTED BY G.N. RICHARDSON & ASSOCIATES, INC. ON 10/03/03.
  - 4. SURFACE ELEVATIONS OBTAINED BY SPOT CHECKS CONDUCTED BY G.N. RICHARDSON & ASSOCIATES, INC. ON 10/03/03.





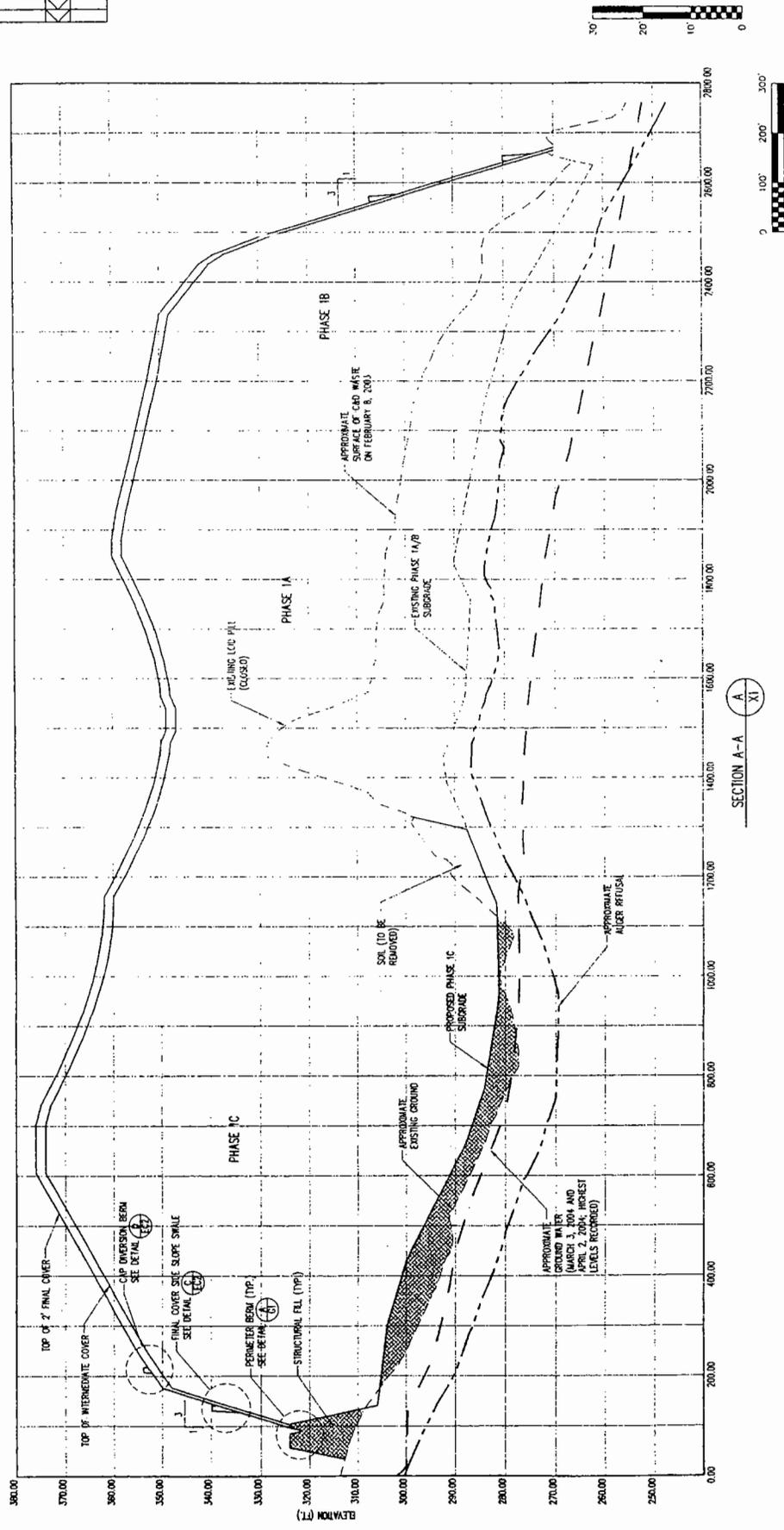






DATE	DESCRIPTION
12/13/04	PHASE 1C REVISIONS
05/05/04	PHASE 1C REVISIONS
04/05/04	PHASE 1C REVISIONS
03/05/04	PHASE 1C REVISIONS
02/05/04	PHASE 1C REVISIONS
01/05/04	PHASE 1C REVISIONS

DATE	DESCRIPTION
12/13/04	PHASE 1C REVISIONS
05/05/04	PHASE 1C REVISIONS
04/05/04	PHASE 1C REVISIONS
03/05/04	PHASE 1C REVISIONS
02/05/04	PHASE 1C REVISIONS
01/05/04	PHASE 1C REVISIONS



**LEGEND**

- EXISTING GROUND (SEE REFERENCE 1)
- - - PROPOSED GROUND
- · · APPROXIMATE EXISTING GROUND

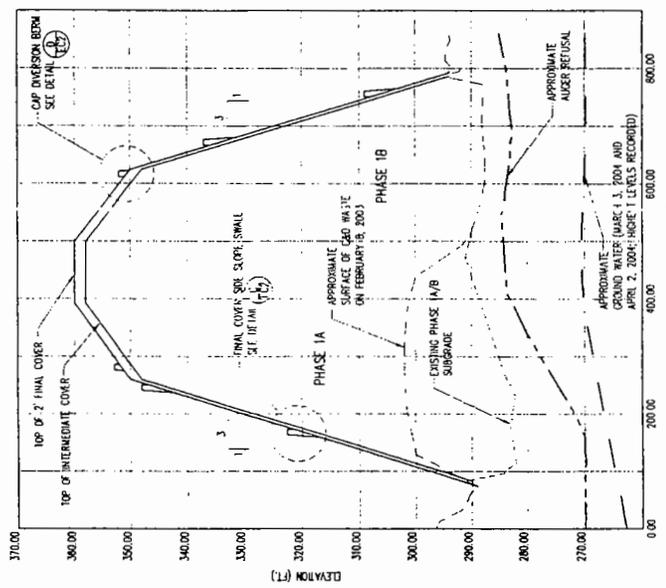
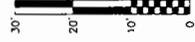
**REFERENCES:**

- 1. ORIGINAL SITE TOPOGRAPHY PROVIDED BY PAIN, DUDA CONSULTANTS, INC. BASED ON LOCAL PHOTOGRAPHY DATED FEBRUARY 8, 2003.



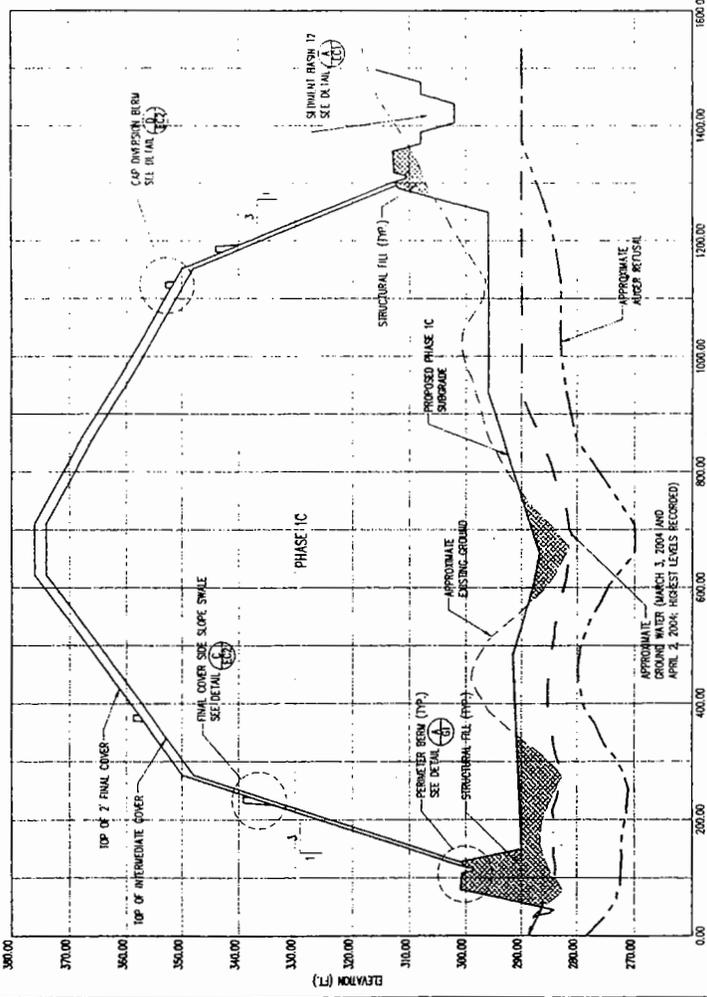
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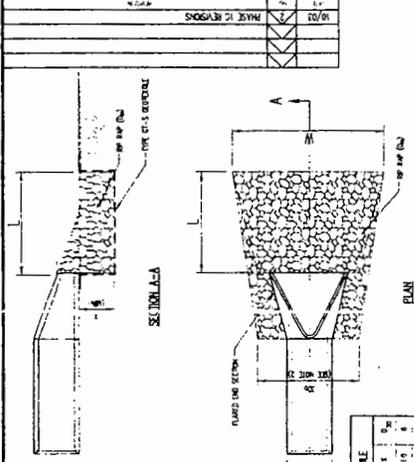


SECTION C-C

- LEGEND**
- EXISTING GROUND (SEE REFERENCE (1))
  - PROPOSED GRADE
  - APPROXIMATE EXISTING SURFACE
  - APPROXIMATE GROUND WATER SURFACE
- REFERENCES:**
1. ORIGINAL SITE INVESTIGATION REPORT BY SPENCER DATA CONSULTANTS, INC. BASED ON AERIAL PHOTOGRAPHY DATED FEBRUARY 8, 2003.

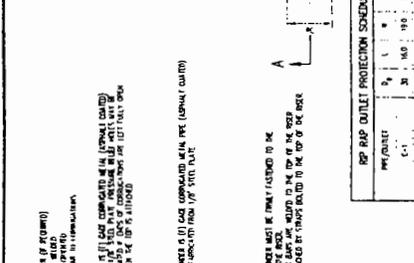


SECTION B-B



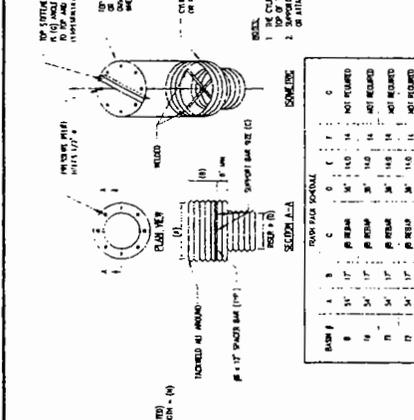
**RIP RAP OUTLET PROTECTION SCHEDULE**

NO.	TYPE	CLASS	DEPTH	LENGTH	WIDTH	SPACING
1	C-1	100	12"	10'	18"	12"
2	C-2	100	12"	10'	18"	12"
3	C-3	100	12"	10'	18"	12"
4	C-4	100	12"	10'	18"	12"
5	C-5	100	12"	10'	18"	12"
6	C-6	100	12"	10'	18"	12"
7	C-7	100	12"	10'	18"	12"
8	C-8	100	12"	10'	18"	12"
9	C-9	100	12"	10'	18"	12"
10	C-10	100	12"	10'	18"	12"
11	C-11	100	12"	10'	18"	12"
12	C-12	100	12"	10'	18"	12"
13	C-13	100	12"	10'	18"	12"
14	C-14	100	12"	10'	18"	12"
15	C-15	100	12"	10'	18"	12"
16	C-16	100	12"	10'	18"	12"
17	C-17	100	12"	10'	18"	12"
18	C-18	100	12"	10'	18"	12"
19	C-19	100	12"	10'	18"	12"
20	C-20	100	12"	10'	18"	12"
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27	C-27	100	12"	10'	18"	12"
28	C-28	100	12"	10'	18"	12"
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39	C-39	100	12"	10'	18"	12"
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44	C-44	100	12"	10'	18"	12"
45	C-45	100	12"	10'	18"	12"
46	C-46	100	12"	10'	18"	12"
47	C-47	100	12"	10'	18"	12"
48	C-48	100	12"	10'	18"	12"
49	C-49	100	12"	10'	18"	12"
50	C-50	100	12"	10'	18"	12"



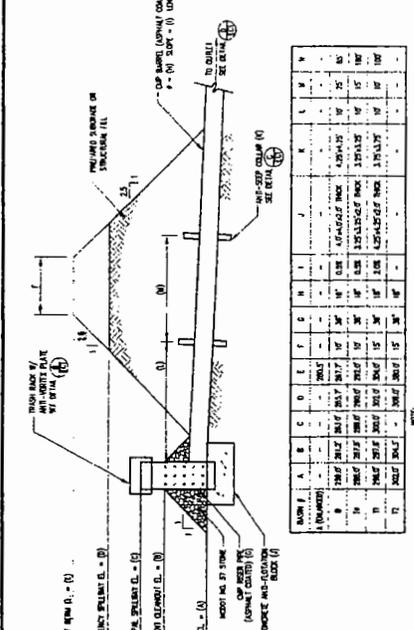
**TRASH RACK W/ ANTI-VORTEX PLATE SCHEDULE**

NO.	TYPE	CLASS	DEPTH	LENGTH	WIDTH	SPACING
1	C-1	100	12"	10'	18"	12"
2	C-2	100	12"	10'	18"	12"
3	C-3	100	12"	10'	18"	12"
4	C-4	100	12"	10'	18"	12"
5	C-5	100	12"	10'	18"	12"
6	C-6	100	12"	10'	18"	12"
7	C-7	100	12"	10'	18"	12"
8	C-8	100	12"	10'	18"	12"
9	C-9	100	12"	10'	18"	12"
10	C-10	100	12"	10'	18"	12"
11	C-11	100	12"	10'	18"	12"
12	C-12	100	12"	10'	18"	12"
13	C-13	100	12"	10'	18"	12"
14	C-14	100	12"	10'	18"	12"
15	C-15	100	12"	10'	18"	12"
16	C-16	100	12"	10'	18"	12"
17	C-17	100	12"	10'	18"	12"
18	C-18	100	12"	10'	18"	12"
19	C-19	100	12"	10'	18"	12"
20	C-20	100	12"	10'	18"	12"
21	C-21	100	12"	10'	18"	12"
22	C-22	100	12"	10'	18"	12"
23	C-23	100	12"	10'	18"	12"
24	C-24	100	12"	10'	18"	12"
25	C-25	100	12"	10'	18"	12"
26	C-26	100	12"	10'	18"	12"
27	C-27	100	12"	10'	18"	12"
28	C-28	100	12"	10'	18"	12"
29	C-29	100	12"	10'	18"	12"
30	C-30	100	12"	10'	18"	12"
31	C-31	100	12"	10'	18"	12"
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40	C-40	100	12"	10'	18"	12"
41	C-41	100	12"	10'	18"	12"
42	C-42	100	12"	10'	18"	12"
43	C-43	100	12"	10'	18"	12"
44	C-44	100	12"	10'	18"	12"
45	C-45	100	12"	10'	18"	12"
46	C-46	100	12"	10'	18"	12"
47	C-47	100	12"	10'	18"	12"
48	C-48	100	12"	10'	18"	12"
49	C-49	100	12"	10'	18"	12"
50	C-50	100	12"	10'	18"	12"



**SEDIMENT BASIN SCHEDULE**

NO.	TYPE	CLASS	DEPTH	LENGTH	WIDTH	SPACING
1	C-1	100	12"	10'	18"	12"
2	C-2	100	12"	10'	18"	12"
3	C-3	100	12"	10'	18"	12"
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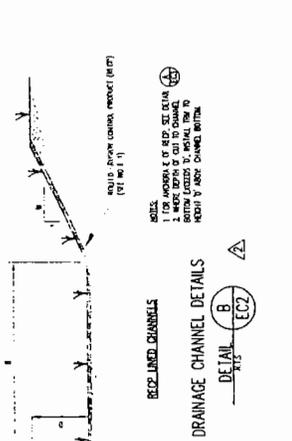
**ANTI-SEEP COLLAR SCHEDULE**

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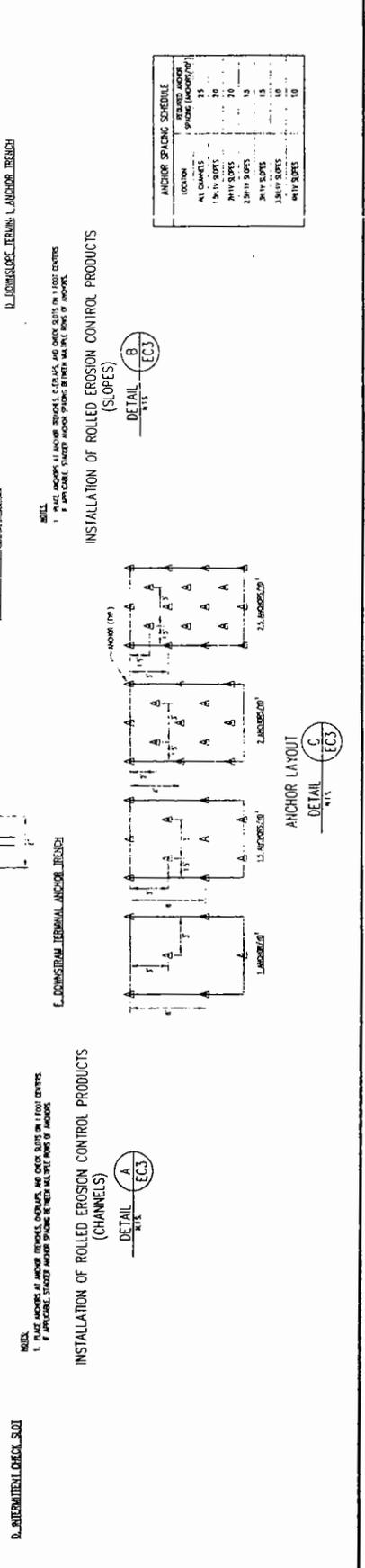
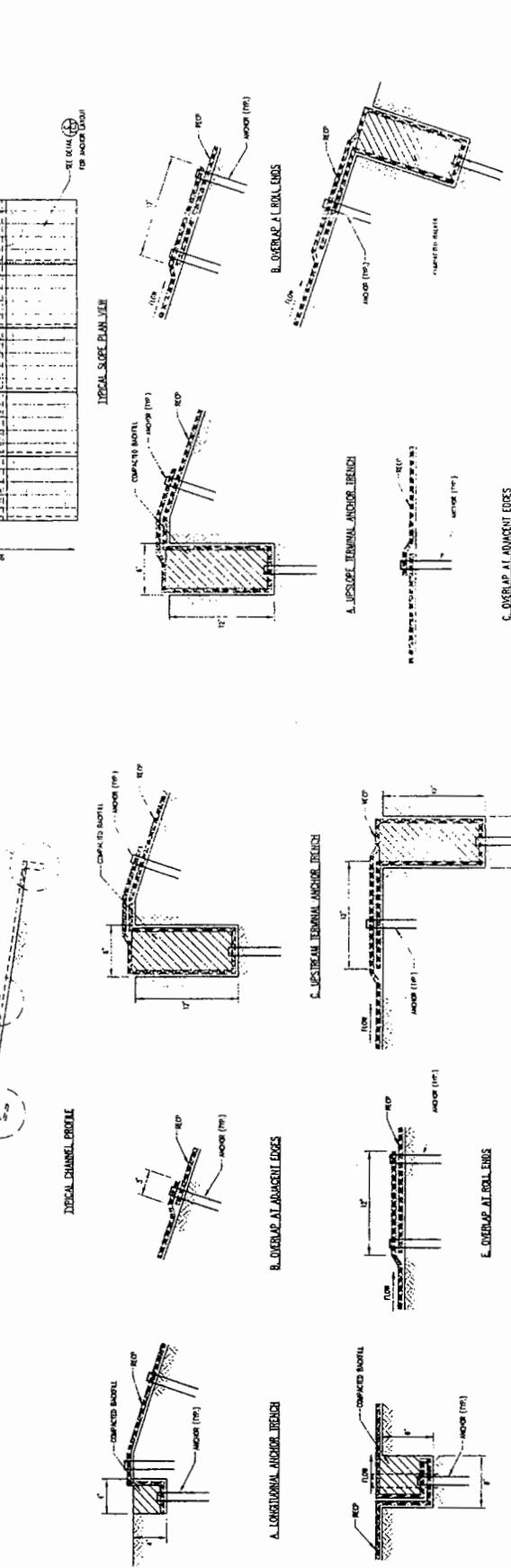
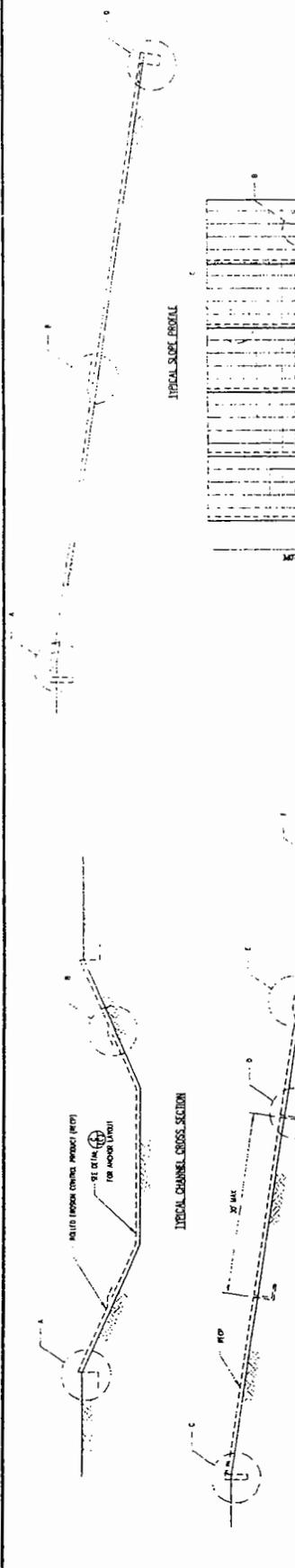
10/03	PHASE 1C REVISIONS





NO.	DATE	DESCRIPTION
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2	01/14/04	REVISED FOR PERMIT
3	02/11/04	REVISED FOR PERMIT
4	02/11/04	REVISED FOR PERMIT
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11	02/11/04	REVISED FOR PERMIT
12	02/11/04	REVISED FOR PERMIT

NO.	DATE	DESCRIPTION
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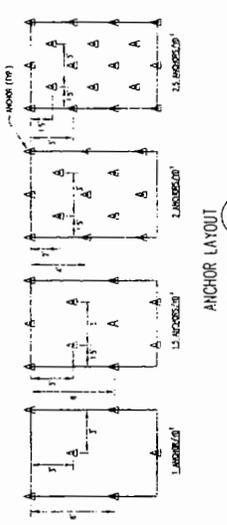


**NOTES:**  
 1. PLACE ANCHORS AT ANCHOR SPACING INTERVALS AND CHECK SPACING IN 1 FOOT CENTER.  
 2. IF APPLICABLE, STAKE ANCHOR SPACING TO MATCH MANUFACTURER'S ANCHOR SPACING.

**ANCHOR SPACING SCHEDULE**

LOCATION	ANCHOR SPACING (FOOT/FEET)
AT CHANNELS	15
IN 1/4 SLOPES	20
IN 1/3 SLOPES	15
IN 1/2 SLOPES	10
IN 3/4 SLOPES	10
IN 1 SLOPES	10

DETAIL B  
 1/11



DETAIL A  
 1/11

DETAIL C  
 1/11

DETAIL B  
 1/11



**G.N. RICHARDSON & ASSOCIATES, INC.**  
 Engineering and Geological Services  
 14 N. BOYLAN AVENUE RALEIGH, N.C. 27603  
 PHONE 919-828-0577 FAX 919-828-3898 WWW.GNR.COM

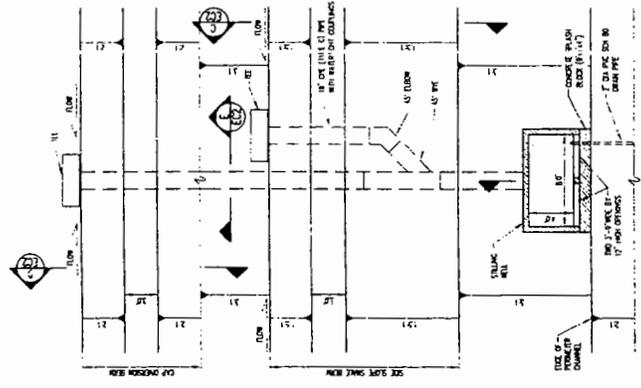


RED ROCK DISPOSAL, LLC  
 CONSTRUCTION/DEMOLITION  
 LANDFILL PHASE 1  
 WAKE COUNTY, NC

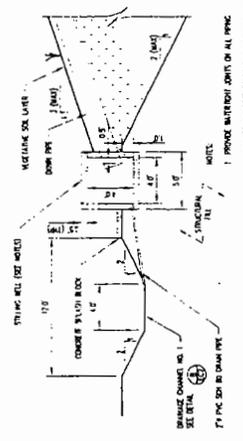
PHASE 1 - EROSION & SEDIMENTATION CONTROL  
 DETAILS (SHEET 5 OF 5)

NO.	DATE	BY	APP'D.
14	11/11/11	EC	EC
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12	11/11/11	EC	EC
11	11/11/11	EC	EC
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NO.	DATE	BY	APP'D.
10/03			

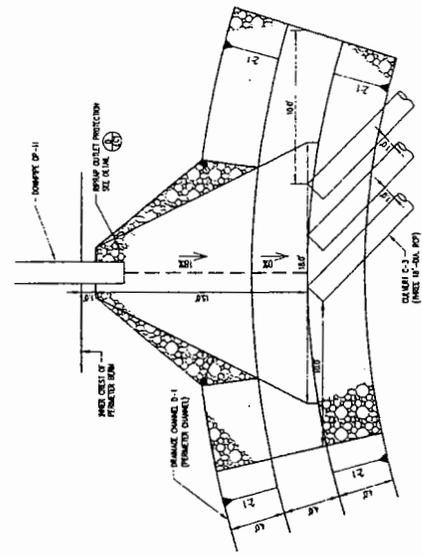


DOWN PIPE WITH STILLING WELL ALTERNATE  
 DETAIL A  
 SCALE 1"=4'



STILLING WELL ALTERNATE  
 DETAIL C  
 SCALE 1"=3'

- 1. PROVIDE WATER TIGHT JOINTS ON ALL PIPING
- 2. PRECAST CONCRETE BLOCKS SHALL CONFORM TO THE REQUIREMENTS OF THE STANDARD SPECIFICATIONS FOR CONCRETE AND REINFORCED CONCRETE, LATEST EDITION, AS APPLICABLE.
- 3. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
- 5. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
- 6. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
- 7. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
- 8. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
- 9. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
- 10. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.



CULVERT C-3 INLET  
 DETAIL A  
 SCALE 1"=4'







G.N. RICHARDSON & ASSOCIATES, INC.  
 Engineering and Geotechnical Services  
 425 N. BOYLAN AVENUE, RALEIGH, N.C. 27603  
 PHONE: 919-828-0577 FAX: 919-828-1808  
 WWW.GNRA.COM

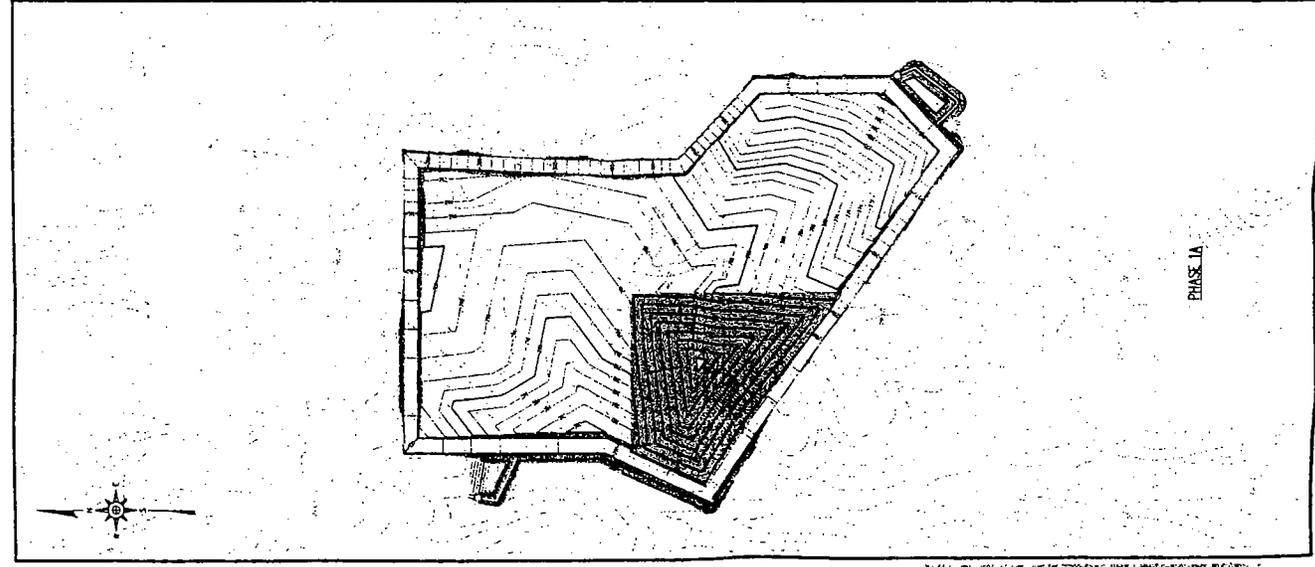
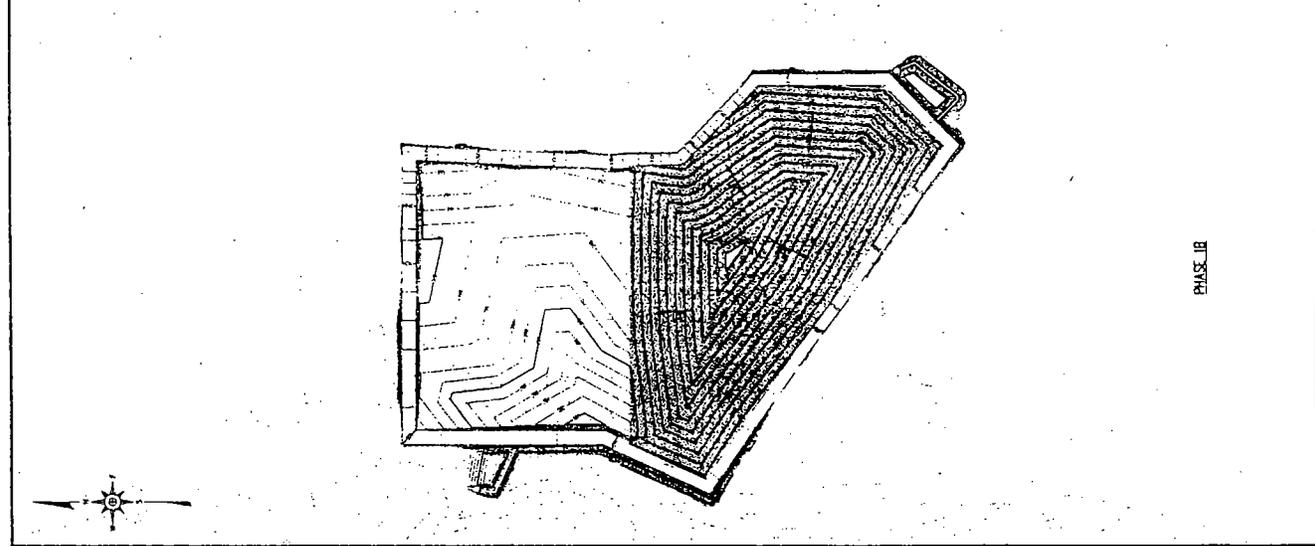
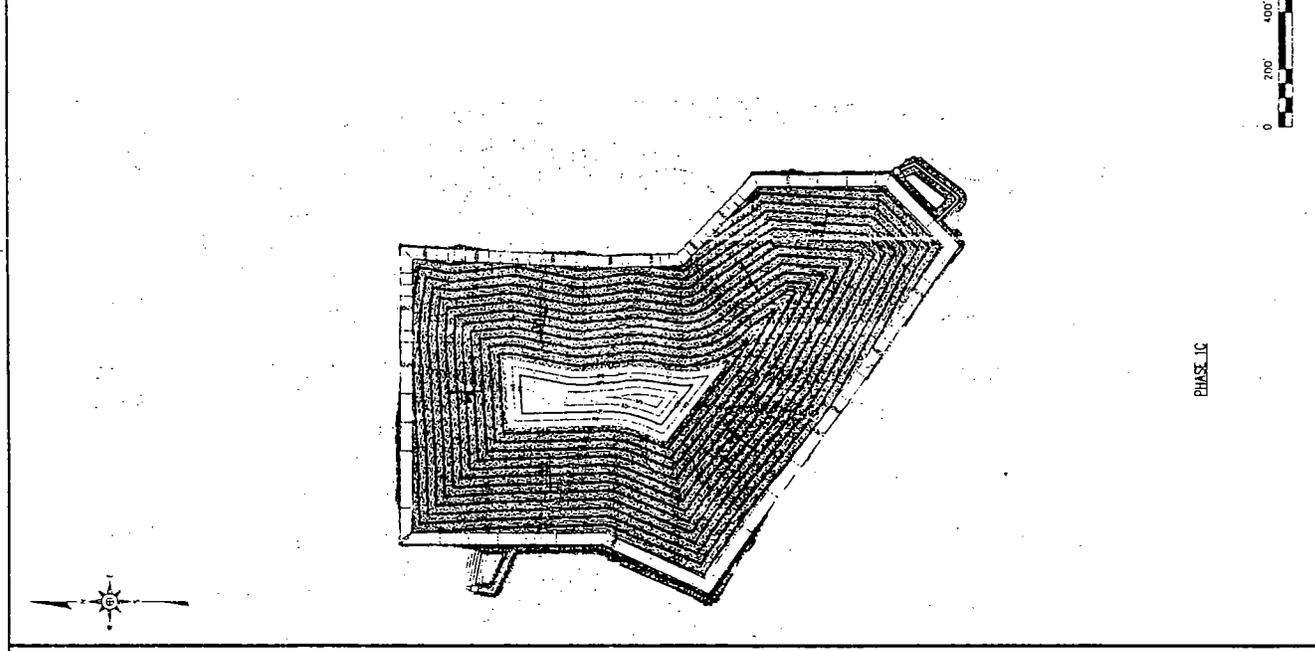


RED ROCK DISPOSAL, LLC  
 CONSTRUCTION/DEMOLITION  
 LANDFILL PHASE 1  
 WAKE COUNTY, NC

FILLING SEQUENCE

DATE	01/11
BY	...
DATE	01/11
BY	...
DATE	01/11
BY	...
DATE	01/11
BY	...

NO.	DATE	REVISION



Certified Copy

Minutes of the Wake County  
Board of Commissioners Meeting  
on December 4, 2006



**Board of Commissioners**  
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160  
FAX 919 856 5699

TONY GURLEY, CHAIRMAN  
PAUL COBLE, VICE-CHAIRMAN  
LINDY BROWN  
JOE BRYAN  
KENN GARDNER  
BETTY LOU WARD  
HAROLD WEBB

WAKE COUNTY

NORTH CAROLINA

I, Susan J. Banks, Clerk to the Board of the Wake County Board of Commissioners, County of Wake, State of North Carolina, hereby certify that the attached is a true and accurate copy of the Excerpt of the official minutes from the December 4, 2006 meeting of the Wake County Board of Commissioners.

Witness my hand as Clerk to the Board, and the county seal of the County of Wake, this the 19th day of February, 2007.

A handwritten signature in cursive script that reads "Susan J. Banks".

Susan J. Banks, CMC  
Clerk to the Board  
Wake County, North Carolina

The Wake County Board of Commissioners met in regular session Monday, December 4, 2006, at 2:00 p.m. in the Commissioners' Meeting Room, 7th Floor, Wake County Courthouse, Raleigh, North Carolina.

The meeting was called to order by Ms. Susan J. Banks, Clerk to the Board, this being the time to elect a Chairman for the ensuing year.

\*\*\*\*\*

**PLEDGE OF ALLEGIANCE**

The Wake County EMS Color Guard performed the Presentation of Colors for the Pledge of Allegiance.

\*\*\*\*\*

**INVOCATION**

The invocation was offered by Reverend Kimberly Lucas, Rector, from Saint Ambrose Episcopal Church.

\*\*\*\*\*

**ADMINISTRATION OF OATHS OF OFFICE**

Oath of Office for Wake County Commissioners were as follows:

- Administered by Superior Court Judge Michael Morgan for Lindy Brown
- Administered by Chief Justice Burley Mitchell (retired) for Joe Bryan
- Administered by District Court Judge Jennifer Knox for Paul Coble
- Administered by District Court Judge James Fullwood for Tony Gurley

\*\*\*\*\*

Members present were Commissioners Lindy Brown, Joe Bryan, Paul Y. Coble, Tony Gurley, Kenneth M. Gardner, Betty Lou Ward and Harold H. Webb.

Also attending were the County Manager, Mr. David C. Cooke; the County Attorney, Mr. Michael R. Ferrell; and the Clerk to the Board, Ms. Susan J. Banks.

\*\*\*\*\*

Commissioner Brown motioned, seconded by Commissioner Coble, to table approval of this contract until the next work session on January 16 so additional discussion could take place prior to the County's approval of this contract.

Discussion continued about the certificate of need deadline, transportation for patients, and other details. Commissioner Bryan suggested if the Board needed to examine details, then possibly a special meeting needed to be scheduled. Commissioner Brown withdrew her motion. More discussion was held. Commissioner Coble said he seconded Commissioner Brown's motion and he did not want to withdraw the motion. There was a suggestion to have a special meeting on December 11 at 4pm so commissioners would have an opportunity to look more thoroughly into the contract and services. Commissioner Brown and Commissioner Coble agreed. There was concern expressed about delaying the approval for one week. Mr. Ryba said the application for a certificate of need was going to be a diligent process and was not sure how fast they can go on this project. They met with the state last Thursday and they have other meetings set for followup.

Chairman Gurley called for a vote on the motion to hold a special meeting on December 11 at 4pm. The motion failed with a 4 to 3 vote. Commissioners voting in opposition were Gurley, Webb, Ward and Gardner. Commissioners in support of the motion to table were Brown, Coble and Bryan.

Chairman Gurley then called for a vote on the original motion. The original motion to authorize negotiation of the contract between the County and Holly Hill Hospital passed with a five to two vote. Commissioners Brown and Coble voted in opposition.

Mr. Tom Ryba said they want to give their thanks for the confidence shown in Holly Hill Hospital by Wake County Board of Commissioners, staff, legislative delegation, advocacy group in this project. They will be moving forward and proud to expand their services to this community.

REQUEST FOR AMENDMENT OF CONSTRUCTION AND DEMOLITION DEBRIS  
LANDFILL FRANCHISE - RED ROCK DISPOSAL, LLC

Mr. Michael Ferrell, County Attorney, informed the Board of a request for an amendment to the Construction and Demolition Debris Landfill Franchise. The state law requires the Board approve this franchise. C&D landfills are limited to accepting construction and demolition debris. The request is to amend the number of counties or area from where they are allowed to receive the debris. The cell size for the landfill would remain the same. A public hearing is required prior to final approval of the amendment to this franchise. Procedural requirements have been changed by state law. All of the required materials have been supplied by the requestor.

Mr. Tom Worth, Jr., legal counsel for Red Rock Disposal, LLC, said he was involved when the present franchise was granted. He introduced two vice presidents, the operations and landfill managers and the professional engineer of the Red Rock Disposal facility. He requested the Board set a public hearing date for the amendment to the landfill franchise for Red Rock Disposal, LLC.

Mr. Worth gave the following information about the current facility stating it encompasses 225 acres of which 175 of those acres were purchased from Progress Energy. They have large amounts of Progress Energy Property nearby and a quarry and an asphalt plant nearby. The facility is 8/10ths of a mile off of Rex Road that they share with other users. The original C&D facility was unanimously approved by the Board on February 5, 2001. Now they are asking for expansion of their service area to 59 counties including Wake and all located within approximately 100 miles of this facility. Their C & D waste projected time (hours of operation) and the footprint will not change. The application shows 58 trucks averaged per day. The permission allowed was up to 200 trucks per day and up to 2,000 tons per day but they presently only average 600 tons per day. They have ample capacity to serve the needs of their customers that are in other areas. Mr. Dan Poole was present to answer logistical questions. He asked for favorable support for this request. Three large volumes of information on this landfill have been filed and it will also be filed with the library closest to the Red Rock location. The current operations are only using one-third of the volume allowed per day. They believe there is twenty-four more years of capacity available in this landfill but the permit is only for a twenty-year franchise.

Commissioner Gardner expressed concern about taking on the tonnage from so many other counties which would accelerate the closure of this landfill. Mr. Worth said this facility at this rate and the other C & D facilities in Wake County would provide for this county's debris for the next eighty years. Mr. Worth was questioned about the increase in trucking traffic effects and tonnage on this area. They have a transfer station in Durham but don't want to drive through Wake County to drop-off debris in Durham County due to increased costs. Mr. Poole said they have trucks that want to drop off their last load versus going all the way back to another facility. They do not want to turn any trucks away. They are not going to market to other counties but are trying to serve their customers. They want to accommodate 5 trucks a day of their customers' debris but do not anticipate a great increase in tonnage.

Upon motion by Commissioner Ward, seconded by Commissioner Brown, to consider the application of Red Rock Disposal, LLC., for amendment of its franchise to operate a C&D landfill, adopt the "first reading" of the request and call for a public hearing on January 8, 2007. Mr. Ferrell said that the law now requires a thirty day notice for this public hearing. The motion passed unanimously.

**ORDINANCE GRANTING AMENDMENT OF FRANCHISE TO  
RED ROCK DISPOSAL, LLC  
FOR OPERATION OF CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL**

WHEREAS, Red Rock Disposal, LLC has applied for an amendment to the franchise granted by this board on June 5, 2000 and amended on February 5, 2001, for the operation of a construction and demolition debris landfill in Wake County; and,

WHEREAS, the application for amendment of the franchise filed by Red Rock Disposal, LLC alteration of the service area from which the facility may accept waste; and,

WHEREAS, GS §153A-46 requires that ordinances granting or amending franchises must be passed at two regular meetings of the Board; and,

WHEREAS, GS §130A-294(b1)(3) requires that a public hearing be held prior to the award of a franchise or amendment to a franchise to operate a construction and demolition debris landfill; and,

WHEREAS, a public hearing is scheduled on this issue for January 8, 2007.

NOW THEREFORE BE IT ORDAINED,

Section 1. The franchise granted to Red Rock Disposal LLC for operation of a construction and demolition debris landfill is hereby amended to expand its service area to include the counties listed in Exhibit D of its "Application for Amendment of Construction and Demolition Debris (C&D) Landfill Franchise" filed with this Board on November 17, 2006, a copy of which is maintained in the permanent files of the Clerk to the Board. This franchise amendment shall expire coterminous with the expiration of the original franchise.

Section 2. The representations made in said application and contained in Exhibits E-1, E-2 and E-3, are adopted, incorporated herein, and made a part of this franchise amendment.

Section 2. The applicant shall provide documentation reasonably required by the County to ascertain compliance with the terms of the franchise as amended.

Section 3. This ordinance is effective upon the holding of a public hearing and approval of its second reading by this Board.

\*\*\*\*\*

EXPANSION OF 800 MHZ RADIO SYSTEM TO ACCOMMODATE ADDITION  
OF CITY OF RALEIGH POLICE DEPARTMENT TO THE SYSTEM

Mr. John Rukavina said this project began in 2001 to work towards a shared radio system so the emergency services could communicate countywide. The City of Raleigh has been awarded a grant of \$2.0 million from Homeland Security to support the cost of adding to and improving the 800 MHz system infrastructure to accommodate addition of the Raleigh Police Department to the system. At its meeting on November 21, 2006, Raleigh's City Council authorized amendment of its current interlocal agreement with Wake County, and appropriated those DHS grant funds and \$1,526,687 in additional funds to cover the full cost of 800 MHz radio system infrastructure improvements required for the seven-channel expansion.

The interlocal agreement amendment provides that Wake County will amend its existing contract(s) with Motorola, Inc. to provide for a seven-channel expansion of the

Certified Copy

Affidavit of Publication

The News & Observer

December 7, 2006



**Board of Commissioners**  
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160  
FAX 919 856 5699

TONY GURLEY, CHAIRMAN  
PAUL COBLE, VICE-CHAIRMAN  
LINDY BROWN  
JOE BRYAN  
KENN GARDNER  
BETTY LOU WARD  
HAROLD WEBB

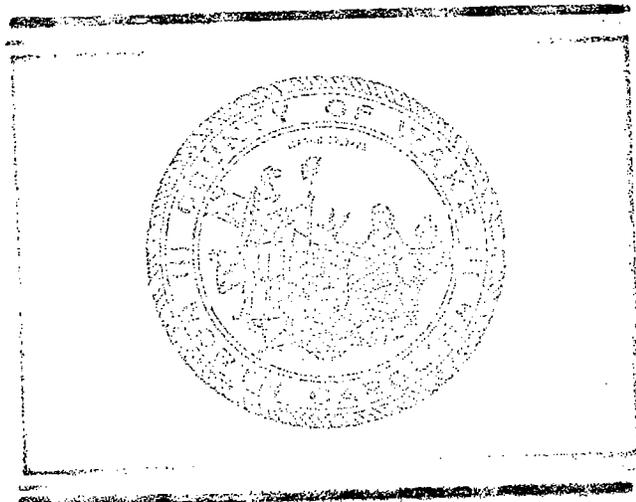
WAKE COUNTY

NORTH CAROLINA

I, Susan J. Banks , Clerk to the Board of the Wake County Board of Commissioners, County of Wake, State of North Carolina, hereby certify that the attached is a true and accurate copy of the Original Affidavit of Notice of Publication of the News and Observer for the Public Hearing of the Ordinance Granting Amendment of Franchise to Red Rock Disposal, LLC for Operation of Construction and Demolition Debris Landfill, held during a regular meeting on Monday, January 8, 2007 of the Wake County Board of Commissioners.

Witness my hand as Clerk to the Board, and the county seal of the County of Wake, this the 12th day of March, 2007.

  
Susan J. Banks, CMC  
Clerk to the Board  
Wake County, North Carolina



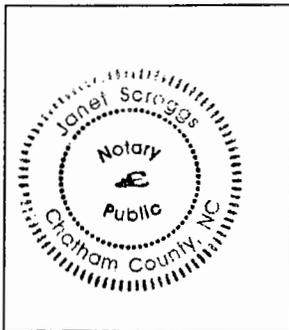
# AFFIDAVIT OF PUBLICATION

NORTH CAROLINA,  
Wake County, ) Ss.

Before the undersigned, a Notary Public of Chatham County North Carolina, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Debra Peebles, who, being duly sworn or affirmed, according to law, doth depose and say that she is Billing Manager-Legal Advertising of The News and Observer a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The News and Observer, in the City of Raleigh, Wake County and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such she makes this affidavit; that she is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for WASTE INDUSTRIES USA, INC. was inserted in the aforesaid newspaper on dates as follows: 12/07/06

Account Number: 83111250

copied from the books and files of the aforesaid Corporation and publication.



Debra Peebles, Billing Manager-Legal Advertising  
Wake County, North Carolina

Sworn or affirmed to, and subscribed before me, this  
08 day of DECEMBER, 2006 AD, by Debra Peebles.

In Testimony Whereof, I have hereunto set my hand  
and affixed my official seal, the day and year aforesaid.

  
Janet Scroggs, Notary Public

My commission expires 14<sup>th</sup> of March 2009.

Certified Copy

Affidavit of Thomas C. Worth, Jr.

Delivery of Facility Plans & Documents

to Holly Springs & Fuquay-Varina

Public Libraries

December 8, 2006



**Board of Commissioners**  
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160  
FAX 919 856 5699

TONY GURLEY, CHAIRMAN  
PAUL COBLE, VICE-CHAIRMAN  
LINDY BROWN  
JOE BRYAN  
KENN GARDNER  
BETTY LOU WARD  
HAROLD WEBB

WAKE COUNTY

NORTH CAROLINA

I, Susan J. Banks , Clerk to the Board of the Wake County Board of Commissioners, County of Wake, State of North Carolina, hereby certify that the attached is a true and accurate copy of the Original Affidavit of Thomas C. Worth, Jr., as notarized, stating he personally delivered on December 8, 2006, the Facility Plan for the Red Rock Landfill and accompanying documents and graphics (including those showing ingress and egress to the facility, a copy of the Application for Amendment of Franchise filed with the Wake County Board of Commissioners on November 17, 2006, and the Notice of Hearing to the Branch Manager of the Holly Springs Public Library and the Fuquay-Varina Public Library, in connection with the Notice of the Public Hearing of the Ordinance Granting Amendment of Franchise to Red Rock Disposal, LLC for Operation of Construction and Demolition Debris Landfill, to be held during a regular meeting on Monday, January 8, 2007 of the Wake County Board of Commissioners.

Witness my hand as Clerk to the Board, and the county seal of the County of Wake, this the 12th day of March, 2007.

  
Susan J. Banks, CMC  
Clerk to the Board  
Wake County, North Carolina



NORTH CAROLINA :

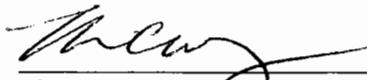
WAKE COUNTY :

**AFFIDAVIT OF THOMAS C. WORTH, JR.**

**IN RE: APPLICATION FOR AMENDMENT OF CONSTRUCTION AND DEMOLITION DEBRIS (C&D) LANDFILL FRANCHISE (ONLY FOR EXPANSION OF SERVICE AREA) BY RED ROCK DISPOSAL, LLC, WHOLLY OWNED SUBSIDIARY OF WASTE INDUSTRIES USA, INC., PROPERTY OWNER AND LANDFILL OPERATOR**

Before the undersigned, a Notary Public of Wake County, North Carolina, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Thomas C. Worth, Jr., who being first duly sworn, according to law, doth depose and say that he personally delivered on December 8, 2006, the Facility Plan for the Red Rock Landfill and accompanying documents and graphics (including those showing ingress and egress to the facility, a copy of the Application for Amendment of Franchise filed with the Wake County Board of Commissioners on November 17, 2006, and the Notice of Hearing) to the Branch Managers of the Holly Springs Public Library and the Fuquay-Varina Public Library, in connection with the Public Hearing before the Wake County Board of Commissioners to be held during the meeting scheduled for Monday, January 8, 2007, commencing at 2:00 p.m. in Room 700 of the Wake County Courthouse located at 316 Fayetteville Street, Raleigh, North Carolina. A copy of said Notice of Hearing is attached hereto and incorporated herein by reference.

This the 20<sup>th</sup> day of December, 2006.

  
\_\_\_\_\_  
Thomas C. Worth, Jr.

Sworn to and subscribed before me, this the 20<sup>th</sup> day of December, 2006 by Thomas C. Worth, Jr. In testimony whereof I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

  
\_\_\_\_\_  
Judy W. Pearse, Notary Public  
My Commission expires: 8-19-2009

**NOTICE OF PUBLIC HEARING BY THE WAKE COUNTY BOARD OF COMMISSIONERS UPON THE APPLICATION FOR AMENDMENT OF CONSTRUCTION AND DEMOLITION DEBRIS (C&D) LANDFILL FRANCHISE (ONLY FOR EXPANSION OF SERVICE AREA) BY RED ROCK DISPOSAL, LLC, WHOLLY OWNED SUBSIDIARY OF WASTE INDUSTRIES USA, INC., OWNER AND OPERATOR OF THE RED ROCK C&D LANDFILL, LOCATED AT 7130 NEW LANDFILL ROAD, WAKE COUNTY, NORTH CAROLINA.**

The Wake County Board of Commissioners will during its meeting on Monday, January 8, 2007, commencing at 2:00 p.m. in Room 700 of the Wake County Courthouse located at 316 Fayetteville Street, Raleigh, North Carolina, hold a Public Hearing on the Application for Amendment of Construction and Demolition Debris (C&D) Landfill Franchise(only for expansion of service area)for Red Rock Disposal, LLC, wholly owned subsidiary of Waste Industries USA, Inc. The procedure for the Public Hearing is as follows: INTRODUCTION; OPEN PUBLIC HEARING; COMMENTS BY INTERESTED PARTIES, and CLOSE PUBLIC HEARING.

The Red Rock C&D Landfill is located at 7130 New Landfill Road and contains 225.3818 acres as shown upon that map recorded in Book of Maps 2002 at page 308 with access thereto as shown upon that map recorded in Book of Maps 2002 at page 726, both of which are incorporated herein by reference. No change is proposed in the landfill tract or in its access. The population to be served includes the inhabitants of Wake, Chatham, Durham, Franklin, Granville, Harnett, Johnston and Nash Counties (and of the municipalities therein) which are presently served, together with the inhabitants of Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Cabarrus, Caswell, Columbus, Craven, Cumberland, Davidson, Davie, Duplin, Edgecombe, Forsyth, Greene, Guilford, Halifax, Hoke, Iredell, Jones, Lee, Lenoir, Martin, Mecklenburg, Montgomery, Moore, New Hanover, Northhampton, Onslow, Orange, Pender, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Union, Vance, Warren, Wayne, Wilson and Yadkin Counties (and of the municipalities therein) all of which are located within approximately a one hundred (100) miles radius of Red Rock Landfill, which population totals approximately 6,830,000,000 people as indicated in the updated Census of 2005 compiled by the United States Census Bureau. The presently permitted volume and characteristics of the waste stream are not requested to be changed, ie. the landfill is permitted to receive approximately 200 truck loads per day and an average disposal rate of 2,000 tons per days based upon 286 operating days per year with remaining capacity as of January 1, 2006 estimated to be approximately 10.8 million tons. No change is requested in the permitted waste stream which includes the following types of materials: asbestos, inert debris similar to types deposited in LCID landfills, asphalt, solid waste resulting from construction, remodeling, repair of demolition operations on pavement, buildings or other structures (such as furniture, carpet remnants and any other waste materials resulting from the demolition of a structure) and other materials approved by the North Carolina Department of Environment and Natural Resource's Division of Waste Management. The projected useful life of the Red Rock Landfill is approximately twenty (20) years, however, its present franchise has approximately 15 years remaining. The current franchise is consistent with Wake County's Solid Waste Management Plan and the proposed Amendment only to increase the service area of the Red Rock Landfill is consistent with Wake County's Solid Waste Management Plan and not inconsistent with Wake County's waste reduction, reuse and recycling goals. Although Wake County does not presently have procedures to be followed for its oversight and regulation of fees and rates for the Red Rock Landfill, the Applicant has agreed that in the event Wake County changes its procedure for governmental oversight and regulation of fees and rates to be charged within its jurisdiction, that Applicant will conform to same in accordance with applicable local and state ordinances and statutes. The facility plan for the Red Rock Landfill, including its exact boundaries, proposed development in 5-year operational phases, boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the amount of waste to be received per day in tons (a maximum of 2,000 tons per day), the total waste disposal capacity of the Red Rock Landfill in tons (approximately 10.8 million tons), a description of environmental controls and a description of other waste management facilities to be conducted at the facility, the location of any soil borrow areas, leachate facilities and all other facilities and infrastructure, including ingress and egress to the facility are contained in 3 bound volumes, related graphics and the two plats recorded in the Wake Registry referenced herein, all of which are located in the offices of the Solid Waste Management Division, 7<sup>th</sup> Floor, Wake County Office Building, 336 Fayetteville Street, Raleigh, North Carolina 27601 and also at the two Public Libraries closest to the Red Rock Landfill, (including a copy of the Application for Amendment of Construction and Demolition Debris [C&D] Landfill Franchise [Only for Expansion of Service Area] filed with the Wake County Board of Commissioners, November 17, 2006), where all materials will be available for inspection and copying by the public.

Certified Copy

Affidavit of Thomas C. Worth, JR.

Posting of Property for Notice of Hearing

December 8, 2006



**Board of Commissioners**  
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160  
FAX 919 856 5699

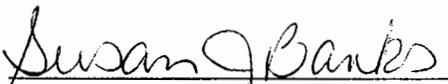
TONY GURLEY, CHAIRMAN  
PAUL COBLE, VICE-CHAIRMAN  
LINDY BROWN  
JOE BRYAN  
KENN GARDNER  
BETTY LOU WARD  
HAROLD WEBB

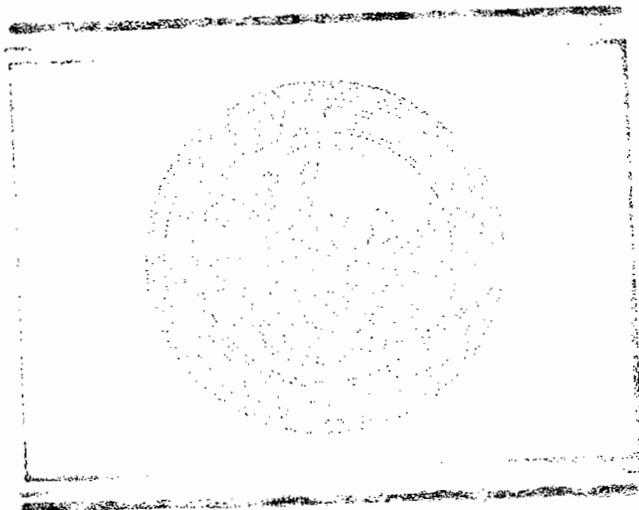
WAKE COUNTY

NORTH CAROLINA

I, Susan J. Banks, Clerk to the Board of the Wake County Board of Commissioners, County of Wake, State of North Carolina, hereby certify that the attached is a true and accurate copy of the Original Affidavit of Thomas C. Worth, Jr., as notarized, for posting on the property the Notice of the Public Hearing of the Ordinance Granting Amendment of Franchise to Red Rock Disposal, LLC for Operation of Construction and Demolition Debris Landfill, to be held during a regular meeting on Monday, January 8, 2007 of the Wake County Board of Commissioners.

Witness my hand as Clerk to the Board, and the county seal of the County of Wake, this the 12th day of March, 2007.

  
Susan J. Banks, CMC  
Clerk to the Board  
Wake County, North Carolina



NORTH CAROLINA :

WAKE COUNTY :

**AFFIDAVIT OF THOMAS C. WORTH, JR.**

**IN RE: APPLICATION FOR AMENDMENT OF CONSTRUCTION AND DEMOLITION DEBRIS (C&D) LANDFILL FRANCHISE (ONLY FOR EXPANSION OF SERVICE AREA) BY RED ROCK DISPOSAL, LLC, WHOLLY OWNED SUBSIDIARY OF WASTE INDUSTRIES USA, INC., PROPERTY OWNER AND LANDFILL OPERATOR**

Before the undersigned, a Notary Public of Wake County, North Carolina, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Thomas C. Worth, Jr., who being first duly sworn, according to law, doth depose and say that on December 8, 2006 at a place visible to the public road adjacent to the property, he personally posted on the property owned by Red Rock Disposal, LLC, wholly owned subsidiary of Waste Industries USA, Inc., located at 7130 New Landfill Road, Holly Springs, North Carolina, a Notice of Hearing reasonably calculated to inform the public of the location, date, time and purpose of the Public Hearing before the Wake County Board of Commissioners to be held during the meeting scheduled for Monday, January 8, 2007, commencing at 2:00 p.m. in Room 700 of the Wake County Courthouse located at 316 Fayetteville Street, Raleigh, North Carolina. A copy of said Notice of Hearing is attached hereto and incorporated herein by reference.

This the 20<sup>th</sup> day of December, 2006.

  
\_\_\_\_\_  
Thomas C. Worth, Jr.

Sworn to, and subscribed before me, this the 20<sup>th</sup> day of December, 2006 by Thomas C. Worth, Jr. In testimony whereof I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

  
\_\_\_\_\_  
Judy W. Pearse, Notary Public  
My Commission expires: 8-19-2009

**NOTICE OF PUBLIC HEARING BY THE WAKE COUNTY BOARD OF COMMISSIONERS UPON THE APPLICATION FOR AMENDMENT OF CONSTRUCTION AND DEMOLITION DEBRIS (C&D) LANDFILL FRANCHISE (ONLY FOR EXPANSION OF SERVICE AREA) BY RED ROCK DISPOSAL, LLC, WHOLLY OWNED SUBSIDIARY OF WASTE INDUSTRIES USA, INC., OWNER AND OPERATOR OF THE RED ROCK C&D LANDFILL, LOCATED AT 7130 NEW LANDFILL ROAD, WAKE COUNTY, NORTH CAROLINA.**

The Wake County Board of Commissioners will during its meeting on Monday, January 8, 2007, commencing at 2:00 p.m. in Room 700 of the Wake County Courthouse located at 316 Fayetteville Street, Raleigh, North Carolina, hold a Public Hearing on the Application for Amendment of Construction and Demolition Debris (C&D) Landfill Franchise(only for expansion of service area)for Red Rock Disposal, LLC, wholly owned subsidiary of Waste Industries USA, Inc. The procedure for the Public Hearing is as follows: INTRODUCTION; OPEN PUBLIC HEARING; COMMENTS BY INTERESTED PARTIES, and CLOSE PUBLIC HEARING.

The Red Rock C&D Landfill is located at 7130 New Landfill Road and contains 225.3818 acres as shown upon that map recorded in Book of Maps 2002 at page 308 with access thereto as shown upon that map recorded in Book of Maps 2002 at page 726, both of which are incorporated herein by reference. No change is proposed in the landfill tract or in its access. The population to be served includes the inhabitants of Wake, Chatham, Durham, Franklin, Granville, Harnett, Johnston and Nash Counties (and of the municipalities therein) which are presently served, together with the inhabitants of Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Cabarrus, Caswell, Columbus, Craven, Cumberland, Davidson, Davie, Duplin, Edgecombe, Forsyth, Greene, Guilford, Halifax, Hoke, Iredell, Jones, Lee, Lenoir, Martin, Mecklenburg, Montgomery, Moore, New Hanover, Northhampton, Onslow, Orange, Pender, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Union, Vance, Warren, Wayne, Wilson and Yadkin Counties (and of the municipalities therein) all of which are located within approximately a one hundred (100) miles radius of Red Rock Landfill, which population totals approximately 6,830,000,000 people as indicated in the updated Census of 2005 compiled by the United States Census Bureau. The presently permitted volume and characteristics of the waste stream are not requested to be changed, ie. the landfill is permitted to receive approximately 200 truck loads per day and an average disposal rate of 2,000 tons per days based upon 286 operating days per year with remaining capacity as of January 1, 2006 estimated to be approximately 10.8 million tons. No change is requested in the permitted waste stream which includes the following types of materials: asbestos, inert debris similar to types deposited in LCID landfills, asphalt, solid waste resulting from construction, remodeling, repair of demolition operations on pavement, buildings or other structures (such as furniture, carpet remnants and any other waste materials resulting from the demolition of a structure) and other materials approved by the North Carolina Department of Environment and Natural Resource's Division of Waste Management. The projected useful life of the Red Rock Landfill is approximately twenty (20) years, however, its present franchise has approximately 15 years remaining. The current franchise is consistent with Wake County's Solid Waste Management Plan and the proposed Amendment only to increase the service area of the Red Rock Landfill is consistent with Wake County's Solid Waste Management Plan and not inconsistent with Wake County's waste reduction, reuse and recycling goals. Although Wake County does not presently have procedures to be followed for its oversight and regulation of fees and rates for the Red Rock Landfill, the Applicant has agreed that in the event Wake County changes its procedure for governmental oversight and regulation of fees and rates to be charged within its jurisdiction, that Applicant will conform to same in accordance with applicable local and state ordinances and statutes. The facility plan for the Red Rock Landfill, including its exact boundaries, proposed development in 5-year operational phases, boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the amount of waste to be received per day in tons (a maximum of 2,000 tons per day), the total waste disposal capacity of the Red Rock Landfill in tons (approximately 10.8 million tons), a description of environmental controls and a description of other waste management facilities to be conducted at the facility, the location of any soil borrow areas, leachate facilities and all other facilities and infrastructure, including ingress and egress to the facility are contained in 3 bound volumes, related graphics and the two plats recorded in the Wake Registry referenced herein, all of which are located in the offices of the Solid Waste Management Division, 7<sup>th</sup> Floor, Wake County Office Building, 336 Fayetteville Street, Raleigh, North Carolina 27601 and also at the two Public Libraries closest to the Red Rock Landfill, (including a copy of the Application for Amendment of Construction and Demolition Debris [C&D] Landfill Franchise [Only for Expansion of Service Area] filed with the Wake County Board of Commissioners, November 17, 2006), where all materials will be available for inspection and copying by the public.

Certified Copy

Ordinance Granting

Amendment of Franchise

Red Rock Disposal, LLC

January 8, 2007



**Board of Commissioners**  
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160  
FAX 919 856 5699

TONY GURLEY, CHAIRMAN  
PAUL COBLE, VICE-CHAIRMAN  
LINDY BROWN  
JOE BRYAN  
KENN GARDNER  
BETTY LOU WARD  
HAROLD WEBB

WAKE COUNTY

NORTH CAROLINA

I, Susan J. Banks, Clerk to the Board of the Wake County Board of Commissioners, County of Wake, State of North Carolina, hereby certify that the attached is a true and accurate copy of the Ordinance Granting Amendment of Franchise to Red Rock Disposal, LLC for Operation of Construction and Demolition Debris Landfill as adopted, following the second reading, on January 8, 2007 during a regular meeting of the Wake County Board of Commissioners.

Witness my hand as Clerk to the Board, and the county seal of the County of Wake, this the 19th day of February, 2007.

A handwritten signature in cursive script that reads "Susan J. Banks".

Susan J. Banks, CMC  
Clerk to the Board  
Wake County, North Carolina

**Wake County Board of Commissioners**  
**January 8, 2007**

ORDINANCE GRANTING AMENDMENT OF FRANCHISE TO  
RED ROCK DISPOSAL, LLC  
FOR OPERATION OF CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL

WHEREAS, Red Rock Disposal, LLC has applied for an amendment to the franchise granted by this board on June 5, 2000 and amended on February 5, 2001, for the operation of a construction and demolition debris landfill in Wake County; and,

WHEREAS, the application for amendment of the franchise filed by Red Rock Disposal, LLC requests alteration of the service area from which the facility may accept waste; and,

WHEREAS, GS §153A-46 requires that ordinances granting or amending franchises must be passed at two regular meetings of the Board; and,

WHEREAS, GS §130A-294(b1) requires that a public hearing be held prior to the award of a franchise or amendment to a franchise to operate a construction and demolition debris landfill upon at least thirty days notice and that the application be timely filed with the public library closest to the existing or proposed landfill site; and,

WHEREAS, the application was timely filed with the closest public library, the required public notice was made and a public hearing was held on January 8, 2007.

NOW THEREFORE BE IT ORDAINED,

Section 1. The franchise granted to Red Rock Disposal LLC for operation of a construction and demolition debris landfill is hereby amended to expand its service area to include the counties listed in Exhibit D, and shown on Exhibit D-1, of its "Application for Amendment of Construction and Demolition Debris (C&D) Landfill Franchise" filed with this Board on November 17, 2006, a copy of which is maintained in the permanent files of the Clerk to the Board. This franchise amendment shall expire coterminous with the expiration of the original franchise.

Section 2. The representations made in said application and contained in Exhibits E- 1, E-2 and E-3, are adopted, incorporated herein, and made a part of this franchise amendment.

ORDINANCE GRANTING AMENDMENT OF FRANCHISE TO  
RED ROCK DISPOSAL, LLC FOR OPERATION OF CONSTRUCTION AND  
DEMOLITION DEBRIS LANDFILL  
PAGE 2

Section 3. The applicant shall provide documentation reasonably required by the County to ascertain compliance with the terms of the franchise as amended.

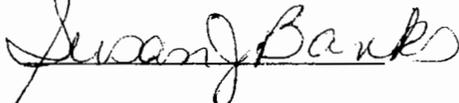
Section 4. This ordinance is effective upon the holding of a public hearing and approval of its second reading by this Board.

Adopted this the 8<sup>th</sup> day of January, 2007.



Tony C. Gurley, Chairman  
Wake County Board of Commissioners

Attest:



Susan J. Banks, Clerk

Certified Copy

Minutes of the Wake County  
Board of Commissioners Meeting  
on January 8, 2007



**Board of Commissioners**  
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160  
FAX 919 856 5699

TONY GURLEY, CHAIRMAN  
PAUL COBLE, VICE-CHAIRMAN  
LINDY BROWN  
JOE BRYAN  
KENN GARDNER  
BETTY LOU WARD  
HAROLD WEBB

WAKE COUNTY

NORTH CAROLINA

I, Susan J. Banks , Clerk to the Board of the Wake County Board of Commissioners, County of Wake, State of North Carolina, hereby certify that the attached is a true and accurate copy of the Excerpt of the official minutes from the January 8, 2007 meeting of the Wake County Board of Commissioners.

Witness my hand as Clerk to the Board, and the county seal of the County of Wake, this the 19th day of February, 2007.

A handwritten signature in cursive script that reads "Susan J. Banks".

Susan J. Banks, CMC  
Clerk to the Board  
Wake County, North Carolina

**Wake County Board of Commissioners**

**January 8, 2007**

**Regular Meeting**

The Wake County Board of Commissioners met in regular session Monday, January 8, 2007 at 2:00 p.m. in the Commissioners' Room, 7<sup>th</sup> Floor, Wake County Courthouse, Raleigh, North Carolina. Members present were Commissioners Lindy Brown; Joe Bryan; Paul Coble; Kenn M. Gardner; Tony Gurley; Betty Lou Ward; and Harold Webb.

Others attending were the County Manager, David C. Cooke; the County Attorney, Michael R. Ferrell; and the Clerk to the Board, Susan Banks.

Chairman Gurley called the meeting to order.

\*\*\*\*\*

PLEDGE OF ALLEGIANCE

\*\*\*\*\*

INVOCATION

Commissioner Lindy Brown offered the invocation.

\*\*\*\*\*

APPROVAL OF AGENDA

Upon motion of Commissioner Ward, seconded by Commissioner Coble, the Board unanimously approved the agenda of January 8, 2007 meeting.

\*\*\*\*\*

MINUTES

Upon motion of Commissioner Gardner, seconded by Commissioner Bryan, the Board unanimously approved the Minutes of December 4, 18 and 20, 2006.

## **Regular Agenda Items**

### PUBLIC HEARING REQUEST FOR AMENDMENT OF CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL FRANCHISE - RED ROCK DISPOSAL, LLC

Mr. Ferrell stated this request was passed on its first reading at the December 4, 2006 meeting. A public hearing is required to be held. The public hearing has been scheduled, announced and posted, as well as noticed in the newspaper. The petitioner is represented by Tom Worth, Attorney.

Mr. Worth presented the facility plan for the Red Rock Disposal LLC. This facility is a wholly owned subsidiary of Waste Industries USA, Inc. of 3301 Benson Drive, Raleigh, NC 27609, Property Owner and Landfill Operator. He introduced Ven Poole, Jerry Johnson, David Pepper, John Demere, and John Gardner (professional engineer) of Richardson, Smith, Gardner and Associates and Lyle Overcash (programming engineer) of Martin/Alexiou/Bryson, PLLC. Mr. Overcash was responsible for the traffic studies on the project.

The property is located at 7130 New Landfill Road and contains 225.381 acres more or less, as described by metes and bounds. No change whatsoever is proposed in the landfill tract nor in its access from Rex Road via the road shared with the nearby quarry and asphalt plant for a distance of approximately 1,600 feet and by a spur road for a distance of approximately 2,500 feet.

Mr. Worth provided background on the project as stated in the Application for Amendment of Construction and Demolition Debris (C&D) Landfill Franchise (Only for Expansion of Service Area).

On February 5, 2001 they were granted a C&D landfill franchise. Progress Energy is also a landowner in this area. The request is to move from serving eight counties, including Wake County, to serving a total of 59 counties. There would be no change in the footprint of the operation, the number of trucks per day with an estimated maximum of 200 trucks per day with no change in the maximum permitted 2,000 tons per day, and there would be no change in the waste stream. The amendment requested in order to meet changes in statutory requirements and to provide service to their customers. There are currently 58 trucks per day average intake in the landfill.

A notice was published on December 7, 2006 in the News & Observer. Mr. Worth posted the property along Rex Road on December 8, 2006. Mr. Worth said the facility plan and application were filed with the two libraries closest to the facility. He said they tried to give the public an opportunity to view the materials and raise questions as desired. Mr. Worth talked with the librarians at Holly Springs and Fuquay-Varina. The Holly Springs Librarian alerted citizens of materials being available. He met with Mayor Sears of Holly Springs to make them aware that Waste Industries was considering this activity. The meeting was followed up with a letter and notice of the public hearing to Mayor Sears and the Holly Springs Town Attorney. He did not hear back from the Holly Spring Librarian before this meeting.

Ven Poole said this franchise amendment request is driven by regulatory requirements of DEHNR, concerning where waste can come from, that goes into the transfer station. It is a technical clarification. Some of their customers are expanding outside of the Wake County area. It is driven by the need of customers and so the Durham transfer station can bring waste to the landfill. The housing market has increased the need for C&D landfill. About 80% of the waste is coming from Wake County. Mr. Worth said there are other landfills that are providing the same services to this same area.

Commissioner Brown thanked them for being so professional on this project.

The Public Hearing was opened by Chairman Gurley.

John Schifano, Holly Springs Town Attorney, said this amendment would be a substantial departure from the current facility by opening this facility up to additional counties. He asked way they wanted to open up the facility to counties as far away as Mecklenburg County which was going too far. He questioned the statement made by Mr. Worth about most of the truck traffic coming down highway US 1. He suggested a traffic analysis be done if they shut down the Shearon Harris plant and the traffic is rerouted. He said the number of trucks depends on economy, weather and other factors. General Assembly has looked at being an importer for trash and considered the effect of opening a regional landfill. He suggested they do a traffic analysis if the New Hill Road is not accessible for a period of time. It will not stop growth in the area. He asked the Board to reconsider burdening Wake County with 3/4<sup>th</sup> of the trash of North Carolina.

Chairman Gurley asked if others wished to speak. No one came forward. Chairman Gurley closed the public hearing.

Mr. Worth introduced Lyle Overcash to speak to the traffic analysis. Mr. Overcash said he worked on the original study and did an analysis on the intersection on both sides of the landfill. The New Hill Holland Road is about at 40% capacity. It can accommodate about 12,000 vehicles per day and it currently has 4,800 vehicles per day. He said he can only speak to the analysis that has been done. Mr. Worth said the object of the C&D landfill is to take construction debris from building projects. He provided a map showing the Hanson Road Quarry and adjacent asphalt plant. Holly Springs has determined this is a high impact area. This is an ideal location for this operation. They believe this is a responsible approach and will assist them in avoiding transfer trucks having to come through Durham. There are 15 years left on the franchise. Mr. Worth said they run a responsible operation and will not adversely impact the Holly Springs community. Mr. Worth presented questions that had arisen during this request and addressed them with answers.

Mr. Ferrell said the Board could turn this down or alter it in some way if desired.

Commissioner Ward motioned that the Board of Commissioners approve the application of Red Rock Disposal, LLC., for amendment of its franchise to operate a C & D landfill and adopt the second reading of the franchise amendment. The motion was seconded by Commissioner Coble and passed with a four to three vote. Ayes were: Commissioners Brown, Coble, Ward, and Webb. Nays were: Commissioners Bryan, Gardner, and Gurley.

ORDINANCE GRANTING AMENDMENT OF FRANCHISE TO  
RED ROCK DISPOSAL, LLC  
FOR OPERATION OF CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL

WHEREAS, Red Rock Disposal, LLC has applied for an amendment to the franchise granted by this board on June 5, 2000 and amended on February 5, 2001, for the operation of a construction and demolition debris landfill in Wake County; and,

WHEREAS, the application for amendment of the franchise filed by Red Rock Disposal, LLC requests alteration of the service area from which the facility may accept waste; and,

WHEREAS, GS §153A-46 requires that ordinances granting or amending franchises must be passed at two regular meetings of the Board; and,

WHEREAS, GS §130A-294(b1) requires that a public hearing be held prior to the award of a franchise or amendment to a franchise to operate a construction and demolition debris landfill upon at least thirty days notice and that the application be timely filed with the public library closest to the existing or proposed landfill site; and,

WHEREAS, the application was timely filed with the closest public library, the required public notice was made and a public hearing was held on January 8, 2007.

NOW THEREFORE BE IT ORDAINED,

Section 1. The franchise granted to Red Rock Disposal LLC for operation of a construction and demolition debris landfill is hereby amended to expand its service area to include the counties listed in Exhibit D, and shown on Exhibit D-1, of its "Application for Amendment of Construction and Demolition Debris (C&D) Landfill Franchise" filed with this Board on November 17, 2006, a copy of which is maintained in the permanent files of the Clerk to the Board. This franchise amendment shall expire coterminous with the expiration of the original franchise.

Section 2. The representations made in said application and contained in Exhibits E- 1, E-2 and E-3, are adopted, incorporated herein, and made a part of this franchise amendment.

Section 2. The applicant shall provide documentation reasonably required by the County to ascertain compliance with the terms of the franchise as amended.

Section 3. This ordinance is effective upon the holding of a public hearing and approval of its second reading by this Board.

Adopted this the 8<sup>th</sup> day of January, 2007.