

ATTACHMENT 3

PART I: PERMITTING HISTORY

1. In 1998, Holly Springs Landfill, LLC, owned by Curtis L. Jones, received a permit for the operation of a land clearing and inert debris (LCID) landfill on a 52 acre portion of this property. The permit was issued by Wake County Solid Waste Management Division under permit no. 92U.
2. In 1999, Holly Springs Landfill, LLC was granted approval for conversion of the majority of the LCID landfill to a construction and demolition debris landfill.
3. In August 2000, the name of the owner was changed from Holly Springs Landfill, LLC to Red Rock Disposal, LLC. Red Rock Disposal, LLC was still owned by Curtis L. Jones at this time. The articles of amendment are recorded in Book 8676, Page 2788, Wake County Register of Deeds.
4. In 2001, ownership of Red Rock Disposal, LLC was sold to Waste Industries, Inc. An expansion of the facility property added approximately 173 acres to the property, creating a total of approximately 225 acres.

Permit Type	Date Issued
Original Permit to Construct (PTC) 1A, 1B, 1C	October 18, 2001
Original Permit to Operate (PTO) 1A	November 19, 2001
PTO Amendment – Phase 1B	June 6, 2002
PTC Amendment - Cell 1A, 1B, 1C revised	June 4, 2004
PTO Amendment - Cell 1C-1	December 14, 2005
PTO Amendment – Service area expansion and 1C-2	July 3, 2008

PART II: LIST OF DOCUMENTS FOR APPROVED PLAN

SITE SUITABILITY

1. *Site Application, Red Rock Disposal, LLC, Construction & Demolition Landfill, Wake County, North Carolina.* Prepared by: GN Richardson and Associates, Raleigh, NC. 25 January 2001
2. Response to Comments - Site Suitability Permit Application - Red Rock Disposal, LLC - Construction & Demolition Landfill, dated 15 May 2001 prepared by GNRA.
3. Second Response to Comments - Site Suitability Permit Application - Red Rock Disposal, LLC - Construction & Demolition Landfill, dated June 2001 prepared by 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 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.
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.
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.
10. Transmittal letter dated 15 February 2001 from GNRA - Supplemental information - Site Suitability Report - Red Rock Disposal, LLC.
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.
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.
17. Revised Permit to Construct Application, Red Rock Disposal, LLC, C&D Landfill – Phase 1, dated October 2003.
18. 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.
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.

PERMIT TO OPERATE APPLICATION

21. Certification letter dated 19 November 2001, from John Gardner addressing construction and as-built conditions at the site. Certification report dated 19 November 2001, Certification Report Phase 1A Construction - Red Rock Disposal, LLC - Construction /Demolition Landfill - Permit No. 92-28 - Wake County, North Carolina , accompanied the above letter addressing construction of Phase 1A.
22. Certification letter dated 28 May 2002, from John Gardner addressing construction and as-built conditions at the site. Certification report dated 28 May 2002, Certification Report Phase 1B Construction - Red Rock Disposal, LLC - Construction /Demolition Landfill - Permit No. 92-28 - Wake County, North Carolina , accompanied the above letter addressing construction of Phase 1B.
23. Letter dated 29 May 2002, from Peter J. Hutchinson, PhD, PG addressing subgrade conditions in the Phase 1B footprint to be consistent with observations made during initial site investigation and information provided in the site Hydrogeology Report.
24. Revised site drawings dated 31 October 2001 for the relocation of sedimentation basin B and revised perimeter berm details.
25. *Construction Quality Assurance Report, Phase 1C-1 Construction*. Prepared by: G.N. Richardson and Associates, Raleigh NC. October 27, 2005.
26. *Request for Service Area Expansion, Red Rock Disposal, LLC C&D Landfill*. Prepared by: Richardson Smith Gardner & Associates, Raleigh, NC. March 16, 2007.
27. Response to comments: *Request for Service Area Expansion*. Prepared by: Richardson Smith Gardner & Associates, Raleigh, NC. November 19, 2007.
28. Response to comments, *Request for Service Area Expansion*, Prepared by: Richardson Smith Gardner & Associates, Raleigh, NC. February 22, 2008.
29. *Construction Quality Assurance Report for Phase 1C-2*. Prepared by: Richardson Smith Gardner & Associates, Raleigh, NC. May 8, 2008.
30. *Closure Plan, Post-Closure Plan, and Financial Assurance, in accordance with 15A NCAC 13B .0547*. Prepared by: Richardson Smith Gardner & Associates, Raleigh, NC. May 30, 2008.
31. *Construction Debris Sorting and Recycling Operation Demonstration Project, Recycling Area Operations*. Prepared by: Richardson Smith Gardner & Associates, Raleigh, NC. May 30, 2008.
32. Response to Comments. Smith, S. to Donna Wilson. *Transition Application Comments-Phase 1, Red Rock Disposal C&D Landfill, (Solid Waste Permit No. 92-28),Holly Springs, North Carolina*. Prepared by: Richardson Smith Gardner & Associates, Raleigh, NC. July 3, 2008.

PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Wake County, N.C. Register of Deeds				
Book	Page	Grantee	Grantor	Acres
8101	854	Holly Springs Landfill, LLC	Curtis L. Jones, Sr., et al	52.6
9250	1180	Red Rock Disposal, LLC	Waste Industries Landco, LLC	172.78
Book of Maps 2002	308	Recombination survey		225.38
Book of Maps 2002	726	Road easement survey		
				Total Site Acreage: 225.38 acres

PART IV: GENERAL PERMIT CONDITIONS

1. This permit shall expire July 3, 2013. Pursuant to 15A NCAC 13B .0201(e), no later than January 3, 2013, the owner or operator must submit a request to the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section (“Section”) for permit review and must update pertinent facility plans including, but not limited to, the facility, operation and waste screening plans.
2. The persons to whom this permit is issued (“permittee”) are the owners and operators of the solid waste management facility.
3. This permit shall not be effective until the certified copy of this permit which references legal descriptions for all land within the solid waste management facility boundary is recorded in the Register of Deeds office and indexed in the grantor index under the name of the owner of the land in the county or counties in which the land is located. The certified copy of the permit affixed with the Register's seal and the date, book, and page number of recording must be returned to the Section within 30 calendar days of issuance of this permit. If the Section does not receive the certified copy of the recorded permit within 30 calendar days of issuance of the permit, then and in that event, the permit is suspended and of no effect until the date the Section receives the certified copy of the recorded permit.
4. When this property is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer 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 and a reference by book and page to the recordation of the permit.

5. By receiving waste at this facility the permittee shall be considered to have accepted the terms and conditions of this permit.
6. Operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of the Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit; and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition.
7. This permit is issued based on the documents submitted in support of the application for permitting the facility including those identified in Attachment 3, "List of Documents for Approved Plan," and which constitute the approved plan for the facility. Where discrepancies exist, the most recent submittals and the Conditions of Permit shall govern.
8. This permit may be transferred only with the approval of the Section, through the issuance of a new or substantially amended permit in accordance with applicable statutes and rules. In accordance with NCGS 130A-295.2(g) the permittee shall notify the Section thirty (30) days prior to any significant change in the identity or business structure of either the owner or the operator, including but not limited to a proposed transfer of ownership of the facility or a change in the parent company of the owner or operator of the facility.
9. The permittee is responsible for obtaining all permits and approvals necessary for the development of this project including approval from appropriate agencies for a General or Individual NPDES Stormwater Discharge Permit. Issuance of this permit does not remove the permittee's responsibilities for compliance with any other local, state or federal rule, regulation or statute.

- End of Section -

ATTACHMENT 4
CONDITIONS OF OPERATING PERMIT

PART I: OPERATING CONDITIONS

1. The C&D landfill units are permitted to receive the following waste types:
 - a. “Construction or demolition debris” as defined in G.S. 130A-290 (a)(4) means solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris or yard debris.
 - b. “Inert debris” as defined in G.S. 130A-290 (a)(14) means solid waste that consists solely of material such as concrete, brick, concrete block, uncontaminated soil, rock, and gravel.
 - c. “Land-clearing debris” as defined in G.S. 130A-290 (a)(15) means solid waste that is generated solely from land-clearing activities, such as stumps and tree trunks.
 - d. “Asphalt” in accordance with G.S. 130-294(m).
2. Those wastes listed in 15A NCAC 13B .0542 (e), must not be accepted for disposal including, but not limited to, municipal solid waste, liquid or industrial wastes, and yard trash.
3. Regulated-asbestos containing material as defined in 40 CFR 61 must be managed in accordance with 40 CFR 61. Disposal of asbestos waste must be in accordance with 15 NCAC 13B .0542 (c).
4. This facility is permitted to receive solid waste generated within the following counties: Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Cabarrus, Caswell, Chatham, Columbus, Craven, Cumberland, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Granville, Greene, Guilford, Halifax, Harnett, Hoke, Iredell, Johnston, Jones, Lee, Lenoir, Martin, Mecklenburg, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pender, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Union, Vance, Wake, Warren, Wayne, Wilson, Yadkin. This service area is consistent with the franchise approved by the Wake County Board of Commissioners.
5. The permittee must not knowingly dispose of C&D waste that is generated within the boundaries of a unit of local government that by ordinance:

- a. Prohibits generators or collectors of C&D waste from disposing of that type or form of C&D waste.
 - b. Requires generators or collectors of C&D waste to recycle that type or form of C&D waste.
6. The permittee shall actively employ a screening program for the C&D unit that detects and prevents the disposal of MSW, hazardous, liquid or non-permitted wastes. At a minimum, the program shall include:
- a. Random inspections of incoming loads or other comparable procedures.
 - b. Records of any inspections.
 - c. Training of personnel to recognize hazardous, liquid, and other excluded waste types.
 - d. Development of a contingency plan to properly manage any identified hazardous, liquid, MSW, or other excluded or unauthorized wastes. The plan must address identification, removal, storage, and final disposition of these wastes.
7. This permit approves the operation of Phase 1C-2 and the continued operation of Phases 1A, 1B, and 1C-1. Operation of any C&D landfill future phases or cells requires written approval of the Section and must be constructed in accordance with applicable statutes and rules.
8. The following table lists the dimensions and details for the C&D landfill units, both existing and planned. Total gross capacity is defined as the volume measured from the bottom of waste through the top of final cover. The estimated service life of the landfill, Phases 1-5, is approximately 20 years from January 1, 2006, as stated in Attachment 3, Part II, Document No. 26.

C&D Unit	Acres	Gross capacity (cubic yards)
Phase 1	44.2	3,758,814
Phase 2-5	73.5	15,233,985
Total	117.7	18,992,799

9. The facility is approved to accept approximately 2000 tons per day, approximately 286 operating days per year, or approximately 200 trucks per day in accordance with the approved franchise granted by Wake County dated January 8, 2007. This is equivalent to approximately 2,860,000 tons during the 5-year operating period. Maximum variance shall be in accordance with G.S. 130A-294(b1)(1).

10. Financial assurance as required by state rules and statutes must be established with proof submitted to the Division by August 1, 2008, in accordance with 15A NCAC 13B .0547 (2). The financial assurance must be continuously maintained for the duration of the facility in accordance with the applicable rules and statutes.
11. All sedimentation and erosion control activities must be conducted in accordance with the Sedimentation Control Act N.C.G.S. 113A-50, et seq., and rules promulgated under 15A NCAC 4.
12. The facility operator must complete an approved operator training course in compliance with G.S. 130A-309.25.
 - a. A responsible individual certified in landfill operations must be on-site during all operating hours of the facility at all times while open for public use to ensure compliance with operational requirements.
 - b. All pertinent landfill-operating personnel must receive training and supervision necessary to properly operate the C&D landfill unit in accordance with G.S. 130A-309.25 and addressed by memorandum dated November 29, 2000.
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 in accordance with 15 NCAC 13B .0543(c), or the solid waste management rules in effect at the time of closure;
 - b. Construction and maintenance/operation of the final cover system and erosion control structures; and
 - c. Surface water, ground water, and explosive gas monitoring.
 - d. On the effective date of this permit, Phase 1, Cells 1A, 1B, 1C-1 and 1C-2 are in compliance with the requirements of rule 15A NCAC 13B .0547(2). An extension for the requirements of rule .0543(c)(5) (B) and (C) is granted for the term of this permit to operate. The owner will revise the approved closure plan upon the next application for a permit amendment prepared in accordance with rule .0535(b). The facility will meet the rules in effect at the time of the permit application

PART II: MONITORING AND REPORTING REQUIREMENTS

14. The following are groundwater monitoring requirements for the C&D landfill facility:
 - a. 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) comprise the approved facility Groundwater Monitoring Plan dated 26 November 2003 located in the permit to construct application (Attachment 3, Part II, Document 17).

- b. The owner or operator shall sample the monitoring wells and surface water locations semi-annually or as otherwise directed in writing by the SWS Hydrogeologist.
 - c. A licensed geologist shall be present to supervise the installation of groundwater monitoring wells. 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. All well construction records and soil boring logs for new wells shall be submitted to the Solid Waste Section Hydrogeologist for review within 30 days of completion.
15. Copies of this permit, the approved plans, and all records required to be maintained by the permittee must be maintained at the facility and made available to the Section upon request during normal business hours.
16. The permittee must maintain a record of the amount of solid waste received at the facility, including daily records of waste received and origins of the loads. Scales must be used to weigh the amount of waste received. The daily records are to be summarized into a monthly report for use in the required annual reports.
17. On or before August 1 annually, the Permittee must submit an annual facility report to the Solid Waste Section, on forms prescribed by the Section.
- a. The reporting period shall be for the previous year beginning July 1 and ending June 30.
 - b. The annual facility report must list the amount of waste received and landfilled in tons and be compiled:
 - i. On a monthly basis.
 - ii. By county, city or transfer station of origin.
 - iii. By specific waste type.
 - iv. By receiving disposal facility.
 - v. By diversion to alternative management facilities.
 - c. A measurement of volume utilized in the C&D cells must be performed during the second quarter of the calendar year. The date and volumes, in cubic yards, must be included in the report.

- d. The amount of C&D waste, in tons from scale records, disposed in landfill cells since November 19, 2001, through the date of the annual volume survey must be included in the report.
- e. The completed report must be forwarded to the Regional Environmental Senior Specialist for the facility by the date due on the prescribed annual facility report form.
- f. A copy of the completed report must be forwarded to each county manager for each county from which waste was received at the facility. Documentation that a copy of the report has been forwarded to the county managers must be sent to the Regional Waste Management Specialist by the date due on the prescribed annual facility report form.

PART III: MISCELLANEOUS TREATMENT AND PROCESSING UNIT SPECIFIC CONDITIONS

CONSTRUCTION DEBRIS SORTING AND RECYCLING OPERATION DEMONSTRATION PROJECT

- 18. Operation of the Construction Debris Sorting and Recycling Demonstration Project at the landfill is approved for 6 months, and must be in accordance with the approved proposal, Attachment 3, Part II, Document 30.
- 19. Only cardboard, clean wood debris, metals, gypsum wallboard, and clean concrete and brick are approved for recycling. All recyclables must be sorted and stored by the end of each operating day. All non-recyclables in the sorting area must be properly moved and disposed in the C&D Landfill by the end of each operating day.
- 20. At the end of 6 months, the Permittee must submit a report on the operation of the demonstration, to include suggested or necessary changes. The Section will extend the demonstration, approve the operation, or terminate approval. If the demonstration is approved, the Section will issue an authorization letter, and the amended operations plan for the project will be fully enforceable and considered a part of the approved plans.

I do hereby certify that the attached PERMIT TO OPERATE is an exact and true original of PERMIT NUMBER 92-28 for the Red Rock Disposal Construction and Demolition Waste Landfill.

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

North Carolina

_____ County

I, _____, Notary Public for _____ County,

North Carolina, do hereby certify that Edward F. Mussler, III, Supervisor of the Permitting Branch, Solid Waste Section, Division of Waste Management, NCDENR, personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal,

This the _____ day of _____, 20 ____.

OFFICIAL SEAL

NOTARY PUBLIC

My commission expires _____, 20_____.

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

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

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

Wake County, N.C. Register of Deeds				
Book	Page	Grantee	Grantor	Acres
8101	854	Holly Springs Landfill, LLC	Curtis L. Jones, Sr., et al	52.6
9250	1180	Red Rock Disposal, LLC	Waste Industries Landco, LLC	172.78
Book of Maps 2002	308	Recombination survey		225.38
Book of Maps 2002	726	Road easement survey		
				Total Site Acreage: 225.38 acres

THE PURPOSE OF THIS RECORDATION IS TO NOTIFY FUTURE BUYERS OF SAID PROPERTY THAT A LANDFILL EXISTS ON THE PROPERTY. RECORDATION OF THE SANITARY LANDFILL PERMIT AND INDEXING IN THE GRANTOR INDEX UNDER THE NAME OF THE LAND OWNER IS REQUIRED BY N.C.G.S. 130A-301(a).