

Subject: [Fwd: Response to comment letter]
From: Stacey Smith <stacey@rsgengineers.com>
Date: Wed, 01 Apr 2009 16:39:27 -0400
To: Lauren Simmons <Lauren.Simmons@apexnc.org>
CC: DONNA WILSON <DONNA.WILSON@ncmail.net>, bradley.bailey@ncmail.net, David Debris <daviddebris@bellsouth.net>, David Cook <DCook@debrisrp.com>, tom@colhounrealestate.com

Donna,

Please find formal response to email comments issued on March 17th. We have made corrections to the site plan and provided some additional solid waste permit information for your records.

Please feel free to contact us with any questions.

Thank you,

sas

----- Original Message -----

Subject:Response to comment letter
Date:Wed, 1 Apr 2009 16:35:13 -0400
From:Kinjal Shah <kinjal@rsgengineers.com>
To:<stacey@rsgengineers.com>

Please find the attached file.

Thanks,
Kinjal

--

Stacey A. Smith, P.E.

President, Senior Engineer

Richardson Smith Gardner & Associates, Inc.

Raleigh, North Carolina

www.rsgengineers.com

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Response to comments - Apex Transfer Station.pdf

Content-Type: application/pdf
Content-Encoding: base64



April 1, 2009

Ms Lauren Simmons
Town of Apex Planning Department
P.O. Box 250
Apex, North Carolina 27502

Re: Technical Review Committee Comments
Shotwell Transfer Station II, Inc.

Dear Ms. Simmons,

On behalf of Shotwell Transfer Station II, Inc.(Shotwell) and Booth Properties, LLC, Richardson Smith Gardner & Associates, Inc. (RSG) has prepared this response to comments issued in the Town's email transmittal dated March 17, 2009 (**copy attached**). These comments were issued following correspondence from Shotwell dated February 27, 2009.

The following responses address each comment followed by our proposed corrective action. Please find each comment in *italics* and the associated response below.

Comment No. 1

Rick Frady, Building Inspections

Since the site and its structures are all existing, once the exempt site plan is approved the Building Inspection department will need to meet with the parties involved to address issues of minimum plumbing facilities, the scale house and the fuel storage tanks. Permits will have to be issued for all these and it would be in the best interests of everyone to get together to discuss minimum steps to get these areas into compliance

Response No. 1

Shotwell acknowledges this point of information and will pursue required permits with the Town as noted in previous correspondence dated February 27, 2009.

Comment No. 2

Rocky Ross, Soil Erosion

What is the disturbed area of the project?

Response No. 2

It is noted that the site is an existing operation. As such the site is not viewed as disturbed as typically caused with new development. As identified in the February 27th correspondence, some BMP measures should be implemented in accordance with my site visit on February 25th. There are a few areas that need to be mulched or vegetated, but, in our opinion, minor. However, to

Ms. Lauren Simmons
April 1, 2009
Page 2 of 3

answer the question, the total transfer operational area is approximately 3.2 AC. The area under concrete is approximately 1.4 AC. The remaining area is approximately 1.7 AC and is either under all weather access or either poorly vegetated or soil as shown in the attached **Figure 1**.

Comment No. 3

Mike Deaton, Environmental Programs

I still have the same comment as I did in the last meeting. Shotwell or their consultant must contact Ms. Judy Garrett (DWQ-NPDES Unit) to determine what actions are necessary to be compliant with NPDES stormwater regulations. According to Ms. Garrett this site is subject to those rules. I recommend the Town of Apex to not approve this exempt site plan until DWQ has been satisfied.

Response No. 3

A Notice of Intent was filed with the Division of Water Quality on March 18, 2009 and the Town of Apex was copied in this correspondence.

Comment No. 4

Lauren Simmons, Planning

Remove #6 from 2.7.1 of the Operations Manual. This statement is in violation of your zoning

Response No. 4

Per discussions regarding the nature of this operation, waste materials are received at the facility, separated, and transferred to another facility. In the case of the inert materials such as concrete and asphalt, these materials are separated and stockpiled prior to transfer. Once a typical transfer truck load is generated the pile will be removed. Therefore, we propose that Item 6 be revised as follows:

"Inert materials such as un-painted concrete (cement and asphaltic/bituminous) may be delivered and stockpiled at the limits of the recycling area until a load is generated and it is removed from the site for transfer to another disposal facility as defined in **Section 2.5.3**"

Comment No. 5

Show where the litter fencing will be going on the site plan.

Response No. 5

The site is surrounded by either fencing or a soil berm. Each of these access control and litter control measures are identified on **Figure 1** attached.

Ms. Lauren Simmons
April 1, 2009
Page 3 of 3

Comment No. 6

Provide timeline for completion of site improvements.

Response No. 6

As previously noted in email correspondence dated March 25, 2009, Shotwell has completed most of the site improvements noted in the February 27th correspondence except for the supplemental road surfacing around the site as requested by the Town's fire services. Shotwell anticipates completion of this work within the next two (2) weeks.

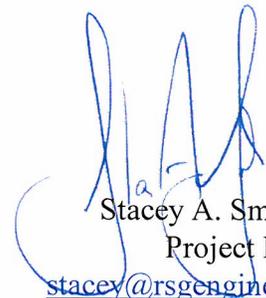
Additionally, the site received an inspection by the Division of Waste Management on March 11, 2009 (**copy attached**) and received a favorable report. On March 25, 2009, Shotwell received a new solid waste permit (transfer) and a copy is **attached** for the Town's records.

Should you have any questions or require clarification, please contact me at (919) 828-0577 or by email.

Sincerely,
Richardson Smith Gardner & Associates, Inc.



Kinjal Shah, E.I.
Staff Engineer
kinjal@rsgengineers.com



Stacey A. Smith, P.E.
Project Manager
stacey@rsgengineers.com

Attachments

Cc: Bradley Bailey, NCDENR
Donna Wilson, NCDENR
William Booth, Jr., Booth Properties, LLC
Tom Colhoun, Colhoun Real Estate, LLC
David King, Shotwell Transfer Station II, Inc.
File

Email Transmittal

TO: David W. King, Jr.
Stacey Smith, P.E.
Tom Colhoun

FROM: Lauren Simmons

DATE: March 17, 2009

RE: Technical Review Committee Comments – Shotwell Transfer Station

CC: TRC members

Rick Frady, Building Inspections

Since the site and its structures are all existing, once the exempt site plan is approved the Building Inspection department will need to meet with the parties involved to address issues of minimum plumbing facilities, the scale house and the fuel storage tanks. Permits will have to be issued for all these and it would be in the best interests of everyone to get together to discuss minimum steps to get these areas into compliance.

Rocky Ross, Soil Erosion

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Mike Deaton, Environmental Programs

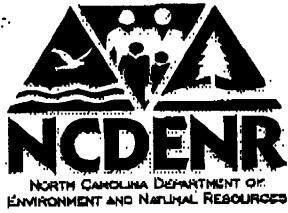
I still have the same comment as I did in the last meeting. Shotwell or their consultant must contact Ms. Judy Garrett (DWQ-NPDES Unit) to determine what actions are necessary to be compliant with NPDES stormwater regulations. According to Ms. Garrett this site is subject to those rules. I recommend the Town of Apex to not approve this exempt site plan until DWQ has been satisfied.

Lauren Simmons, Planning

Remove #6 from 2.7.1 of the Operations Manual. This statement is in violation of your zoning.

Show where the litter fencing will be going on the site plan.

Provide timeline for completion of site improvements.



FACILITY COMPLIANCE AUDIT REPORT

Division of Waste Management Solid Waste Section

Scanned by <i>BWB</i>	Date <i>03/20/09</i>	Doc ID # <i>7060</i>
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UNIT TYPE										COUNTY: <i>Wake</i>	
Lined MSWLF	LCID	YW	Transfer	<input checked="" type="checkbox"/>	Compost	SLAS				PERMIT NO.: <i>92-29</i>	
Closed MSWLF	HHW	White goods	Incin	<input type="checkbox"/>	T&P	FIRM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FILE TYPE: <i>COMPLIANCE</i>	
CDLF	Tire T&P / Collection	Tire Monofill	Industrial Landfill	<input type="checkbox"/>	DEMO	SDTF	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Date of Audit: March 11, 2009

Date of Last Audit: June 12, 2008

FACILITY NAME AND ADDRESS:

Apex C&D Waste Transfer Facility
1506.5 N. Salem Street
Apex, NC 27502

GPS COORDINATES: N: 35.74809 E: -078.84899

FACILITY CONTACT NAME AND PHONE NUMBER:

April Amour Milla (919) 303-4723 (office), (919) 671-2711 (cell)

FACILITY CONTACT ADDRESS:

LANDOWNER
Booth Properties, LLC
William J. Booth, Jr., Registered Agent
P.O. Box 156
Apex, NC 27502

OPERATOR
Shotwell Transfer Station II, Inc.
David W. King, Jr., Registered Agent
3209 Gresham Lake Road, Suite 114-115
Raleigh, NC 27615

AUDIT PARTICIPANTS:

Bradley Bailey, NCDENR-Solid Waste Section
April Amour Milla, Shotwell Transfer Station II-Certified Transfer Station Operator

STATUS OF PERMIT:

Currently under review

PURPOSE OF AUDIT:

Comprehensive Audit

NOTICE OF VIOLATION(S):

None

You are hereby advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. For the violation(s) noted here, you may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

Page 2 of 2

STATUS OF PAST NOTED VIOLATIONS:

15A NCAC 13B .0402(2) and 15A NCAC 13B .1105(a) issued to previous operator. Resolved

AREAS OF CONCERN AND COMMENTS:

- 1.) The new permit and operations plan are currently under review. The old permit (PTC issued January 18, 2002, PTO issued February 01, 2002 & Modified PTO issued September 16, 2005) were onsite and available for review.
- 2.) The service area in the permit is currently under review.
- 3.) The facility is currently receiving approximately 100 tons per day.
- 4.) The Certified Transfer Station Operator is:
 April Amour Milla issued December 15, 2003, expires March 13, 2010
 Additional certified operators are available from the other sites that Shotwell Landfill Inc. operates.
- 5.) There is currently one (1) 20# ABC fire extinguisher at the scale house, (1) 10# ABC beside the fuel dispensing secondary containment, (2) 10# ABC fire extinguishers along fence line adjacent to tipping floor and a 2" fire hose attached to a portable trash pump at a small pond by the scale house.
- 6.) The site and access roads need to have a water truck for dust control.
- 7.) Signage needs to be posted that shows facility name, permit number, operating hours, point of contact in case of emergency, materials not accepted.
- 8.) Inspection was performed in response to a Notice of Violation and Correction Order issued by the Town of Apex. It is required to be in compliance with the requirements of the Town of Apex. Some violations noted appear to have been conducted by the previous operator and are not currently ongoing.
- 9.) Screening of the waste (new construction waste) appears to be ongoing and conducted with each load. It is understandable that occasionally an item such as a tire may be discovered as the load is being handled. As a reminder these items are required to be put back onto the vehicle.
- 10.) Containers that are being used for recycled/reclaimed materials and the one for the tires must have a tarp to cover them at the end of the day.

Please contact me if you have any questions or concerns regarding this audit report.


 Brad Bailey
 Environmental Senior Specialist
 Regional Representative

Phone: (919) 508-8565

Delivered on : <u>March 20, 2009</u> by		Hand delivery	X	US Mail		Certified No. []
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cc: Mark Poindexter, Field Operations Branch Supervisor
 Jason Watkins, Central District Supervisor
 Donald Herndon, Compliance Officer
 Donna Wilson, Permitting Engineer



Facility Permit No:92-29T-Transfer-2009
Permit to Operate
Apex C&D Waste Transfer Facility
March 25, 2009
Doc ID: 6994
Page 1 of 10

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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

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

SOLID WASTE MANAGEMENT FACILITY
Permit No. 92-29T-Transfer-2009

SHOTWELL TRANSFER STATION II, INC.
and DAVID W. KING, JR. (Operator)

and

BOOTH PROPERTIES, LLC (Landowner)
are all hereby issued a

PERMIT TO OPERATE

APEX C&D WASTE TRANSFER FACILITY
A CONSTRUCTION AND DEMOLITION DEBRIS (C&D) TRANSFER FACILITY

Located at 1502 N. Salem Street, in Apex, 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 legal description of the site is identified on the deeds recorded for this property listed in Attachment No. 1 of this permit.

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

ATTACHMENT 1

PART I: PERMITTING HISTORY

Issuance	Date
Original Issue Permit to Construct, PCM Transfer Station	January 18, 2002
Permit to Operate, PCM Transfer Station	February 1, 2002
Permit to Construct modification, PCM Transfer Station	May 19, 2003
Permit to Operate modification, PCM Transfer Station	September 16, 2005
Permit to Operate, new permit operator and new facility name	March 25, 2009

1. In January 2002, the construction waste transfer facility was first permitted to PCM Construction Services, as operator.
2. In May 2003, the facility permit was modified to add a sorting pad area and ramp modifications, including wood grinding and gypsum processing.
3. In March 2005, ownership of the property was sold from William J. Booth, Jr. and Mary Lou Booth to Booth Properties, LLC. The property owner concurs with the use of the property as a transfer station.
4. In June 2008, PCM Construction Services sold a portion of its waste management assets to Shotwell Transfer Station II, Inc.
5. In November 2008, PCM Construction Services relinquished the permit for this facility. Shotwell Transfer Station II, Inc. submitted information and documentation to the Solid Waste Section to apply for the permit to operate the facility to be re-issued to Shotwell Transfer Station II, Inc. and David W. King. Between November 2008 and March 2009, Shotwell continued to operate the transfer station as previously permitted to PCM Construction Services.

PART II: LIST OF DOCUMENTS FOR THE APPROVED PLAN

1. Transfer Station permit application/operations plan and construction site plan dated December 2001.
2. Letter dated November 7, 2001, from David R. Rowland addressing the zoning of the property for the proposed transfer station.

3. Certification letter from Bass, Nixon & Kennedy dated January 31, 2002.
4. Revised site operations plan dated March 18, 2003, approved May 19, 2003.
5. Certification letter dated September 16, 2003 addressing the upgrades to the transfer station site per the drawings dated March 18, 2003.
6. *Request to Transfer Permit, Apex C&D Waste Transfer Facility.* Prepared by Richardson Smith Gardner & Associates, Raleigh, NC. November 10, 2008, revised December 23, 2008. Doc ID 6991.

PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Wake County, N.C. Register of Deeds				
Book	Page	Grantee	Grantor	Parcel No.
11285	1429	Booth Properties, LLC	William J. Booth, Jr. and Mary Lou Booth	074 247 6007
Total Site Acreage: 18 acres				

PART IV: GENERAL CONDITIONS

1. This permit is issued by the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section (Section). In accordance with North Carolina Solid Waste Management Rule 15A NCAC 13B .0201(d), a solid waste management facility permit shall have two parts: a Permit to Construct and a Permit to Operate. The Permit to Operate shall expire March 25, 2014. The Permit to Operate must be implemented in accordance with Attachment 3 of this permit.
2. The persons to whom this permit is issued (“permittee”) are the owners and operators of the solid waste management facility.
3. This permit shall not be effective until the certified copy of this permit which references legal descriptions for all land within the solid waste management facility boundary is recorded in the Register of Deeds office and indexed in the grantor index under the name of the owner of the land in the county or counties in which the land is located. The certified copy of the permit affixed with the Register's seal and the date, book, and page number of recording must be returned to the Section within 30 calendar days of issuance

of this permit. If the Section does not receive the certified copy of the recorded permit within 30 calendar days of issuance of the permit, then and in that event, the permit is suspended and of no effect until the date the Section receives the certified copy of the recorded permit.

4. (Intentionally blank)
5. By beginning construction or receiving waste at this facility the permittee shall be considered to have accepted the terms and conditions of this permit.
6. Construction and operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit; and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition.
7. This permit is issued based on the documents submitted in support of the application for permitting the facility identified in Attachment 1, "List of Documents for Approved Plan," that constitutes 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 and through the issuance of a new or substantially amended permit in accordance with applicable statutes and rules. In accordance with NCGS 130A-295.2(g) the permittee must notify the Section thirty (30) days prior to any significant change in the identity or business structure of either the owner or the operator, including but not limited to, a proposed transfer of ownership of the facility or a change in the parent company of the owner or operator of the facility.
9. The permittee is responsible for obtaining all permits and approvals necessary for the development of this project including approval from appropriate agencies for a General or Individual National Pollutant Discharge Elimination System (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 2
CONDITIONS OF PERMIT TO CONSTRUCT

Not Applicable

ATTACHMENT 3 CONDITIONS OF PERMIT TO OPERATE

PART I: OPERATING CONDITIONS

1. The Permit to Operate shall expire March 25, 2014. Pursuant to 15A NCAC 13B .0201(e), no later than November 25, 2013, the owner or operator must submit a request to the Section for permit review and must update pertinent facility plans including, but not limited to, the facility operation and waste screening plans.
2. The transfer facility is 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).
3. Those wastes listed in 15A NCAC 13B .0542 (e), must not be accepted at the facility including, but not limited to, municipal solid waste, liquid waste, commercial and industrial wastes, and yard trash. Regulated asbestos containing material as defined in 40 CFR 61 must not be accepted at the transfer facility. Barrels and drums shall not be accepted unless they are empty and perforated sufficiently to ensure that no liquid or hazardous waste is contained therein.
4. This facility is permitted to receive construction and demolition debris waste generated within Wake, Durham, Orange, Chatham, Harnett, Johnston, Nash, Franklin, and Granville counties. Waste must be transported for disposal to the Shotwell Landfill located in Wendell, Permit Number 92-26; the Red Rock Disposal C&D Landfill in Holly Springs, Permit Number 92-28; or the Material Recovery C&D Landfill in Raleigh, Permit Number 92-31. Waste must only be transported to facilities whose service area

includes the generation source. The facility must employ an accounting and tracking software program to record both incoming and outgoing waste to verify that the source of the waste transferred to a disposal facility is included in the disposal facility's service area. Proposed changes to the service area and/or the disposal facilities must be approved by the Section and are a modification to the permit and may be subject to a permitting fee.

5. The permittee must not knowingly dispose of, or accept for transfer for subsequent disposal, 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. A responsible individual trained and certified in facility operations must be on-site at all times during all operating hours of the facility, in accordance with G.S. 130A-309.25. An attendant must be present to oversee the loading and unloading of waste.
7. The permittee must develop and use a training and screening program at the facility for detecting and preventing unauthorized wastes from being accepted at the facility. At a minimum, the program must include:
 - a. Random inspections of incoming loads or other comparable procedures.
 - b. Records of all inspections.
 - c. Training of personnel to recognize hazardous, liquid and other excluded waste types.
 - d. Development of a contingency plan to properly manage any identified hazardous, liquid, MSW or other excluded or unauthorized wastes. The plan must address identification, removal, storage and final disposition of these wastes.
8. The facility must be adequately secured by means of gates, chains, berms, fences, or other security measures approved by the Solid Waste Section to prevent unauthorized entry.
9. Interior roadways must be of all-weather construction and maintained in good condition.

10. Signs must be posted at the entrance to the facility that state that no MSW, hazardous waste or liquid waste can be received at the facility; and provides information on dumping procedures, the hours of operation, the permit number, and other pertinent information. Traffic signs or markers must be provided as necessary to promote an orderly traffic pattern to and from the discharge area and to maintain efficient operating conditions.
11. Demolition debris waste must not be sorted for recycling, unless an asbestos screening plan has been submitted to the Division of Epidemiology of the Department of Health and Human Services for approval and the approved plan forwarded to the Section for inclusion in the operations plan for the facility.
12. All water or liquid that comes in contact with solid waste, including vehicle wash-down water, is leachate and must be captured and properly treated before release to the environment. Incoming waste and recyclables must not be unloaded onto the tipping area during rainfall events. Waste must not be placed in ponded water.
13. Except for inert debris, all recyclables must be sorted and stored in containers by the end of each operating day. Containers must be covered at the end of each operating day, and during precipitation events. All non-recyclables in the sorting area must be placed in transfer trailers for disposal by the end of each operating day.
14. Waste may be stored on-site, in leak proof transfer trailers, with watertight covers, a maximum of 24 hours except that a minimal amount of waste may be stored for a maximum of 48 hours when the facility is closed during a weekend and a maximum of 72 hours when closed for a weekend holiday. Storage of the waste must not cause any nuisance, such as odor or attraction of vectors.
15. Recycled materials placed in containers must be removed from the site once the container is full. Recyclable material must not be stored onsite longer than one year. The approved maximum storage volume of recycled materials and waste onsite at any time is approximately 1250 tons.
16. The tipping floor and transfer trailer loading area must be maintained in a clean, sanitary condition after operating hours and must be cleaned at least daily in accordance with the approved Operation Plan.
17. Control measures must be utilized to minimize and eliminate visible dust emissions and blowing litter. Fugitive dust emissions are prohibited. Windblown materials must be collected by the end of each operating day, and no windblown material may be allowed to leave the facility boundary.

18. Effective vector control measures must be applied at all times to control any potential vectors including flies, rodents, insects, and other vermin.
19. Open burning of solid waste is prohibited. Fires must be reported to the Regional Waste Management Specialist within twenty-four (24) hours of the occurrence with a written notification to be submitted within fifteen (15) calendar days of the occurrence. Fire lanes must be maintained and passable at all times. Dimensions of the fire lanes must be coordinated with the Fire Marshall having jurisdiction over the site.
20. All sedimentation and erosion control activities must be conducted in accordance with the Sedimentation Control Act N.C.G.S. 113A-50, et seq., and rules promulgated under 15A NCAC 4.
21. Copies of this permit, the approved plans and all records required to be maintained by the permittee must be maintained at the facility, unless otherwise approved by the Section, and made available to the Section upon request during normal business hours.
22. 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 permittee must maintain a record of the amounts of waste transported out of the facility for disposal, amounts of materials transported out of the facility for recovery and recycling, and amounts of waste or material with any other final disposition, to be compiled on a monthly basis. The daily records are to be summarized into a monthly report for use in the required annual reports, to include a comparison of incoming versus outgoing amounts. Documentation of end-users/processors/recyclers must be maintained for recycled and recovered materials.
23. 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 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. The tons of C&D waste recycled, recovered or diverted from disposal including a description of how and where the material was ultimately managed must be included in the report.
 - d. The completed report must be forwarded to the Regional Environmental Specialist for the facility by the date due on the prescribed annual facility report form.
 - e. A copy of the completed report must be forwarded to each county manager for each county from which waste was received the facility. Documentation that a copy of the report has been forwarded to the county managers must be sent to the Regional Environmental Specialist by the date due on the prescribed annual facility report form.
24. Processing of materials, shredding, or grinding must not take place at the facility unless approval has been granted under the special use permit and a revised operations plan has been submitted to the Solid Waste Section.
25. Financial assurance as required by state rules and statutes must be established with proof submitted to the Division by April 25, 2009. The financial assurance must be continuously maintained for the duration of the facility in accordance with applicable rules and statutes.

**PART II: MISCELLANEOUS SOLID WASTE MANAGEMENT CONDITIONS,
(SPECIFY)**

Not applicable

- End of Permit Conditions -

I do hereby certify that the attached PERMIT TO OPERATE is an exact and true original of PERMIT NUMBER 92-29T-Transfer-2009 for the Apex C&D Waste Transfer Facility.

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_____.

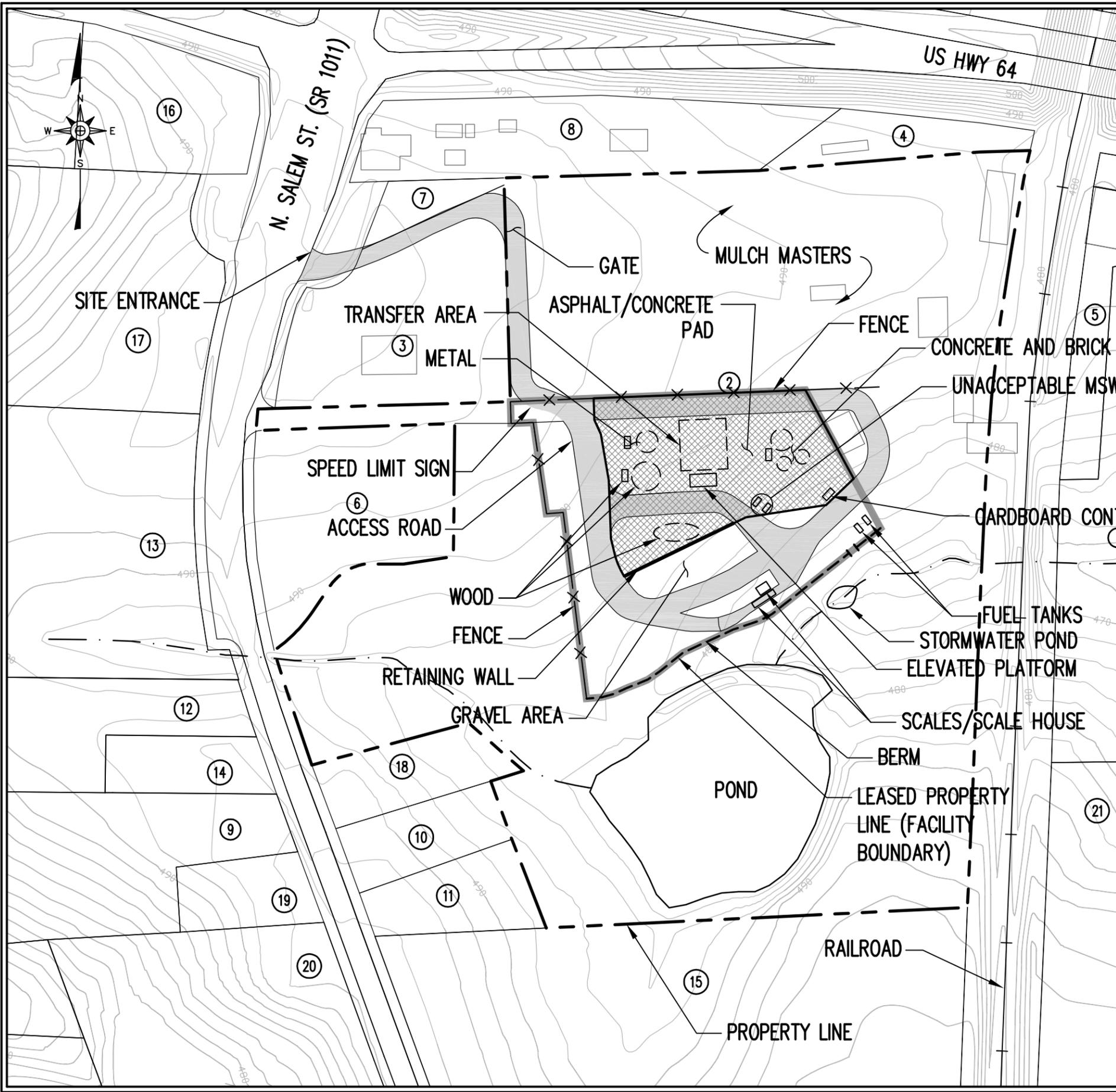
Note to Register of Deeds: This certified original permit shall be recorded by the Register of Deeds and indexed in the grantor index under the name of the land owner. The certified original affixed with the Register's seal and the date, book, and page number of recording shall be returned to the Permitting 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 BOOTH PROPERTIES, LLC AND FURTHER IDENTIFIED BY THE DEEDS
 RECORDED AS LISTED BELOW:

Wake County, N.C. Register of Deeds				
Book	Page	Grantee	Grantor	Parcel No.
11285	1429	Booth Properties, LLC	William J. Booth, Jr. and May Lou Booth	074 247 6007
Total Site Acreage: 18 acres				

THE PURPOSE OF THIS RECORDATION IS TO NOTIFY FUTURE BUYERS OF SAID
 PROPERTY THAT A SOLID WASTE MANAGEMENT ACTIVITY HAS OPERATED ON
 THE PROPERTY.

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ID	OWNER	DEED BOOK	PAGE	ACRES	PIN
1	APEX FIRST DEVELOPMENT LLC	11198	1367	14.35	742564866
2	BOOTH PROPERTIES LLC	11285	1429	18.01	742476007
3	BOOTH, WILLIAM J JR	2821	552	1.61	742472366
4	BOOTH, WILLIAM JENNINGS JR & MARY L	10611	503	1.36	742571267
5	BOOTH, WILLIAM JENNINGS JR & MARY L	10611	503	1.36	742571267
6	COLHOUN, THOMAS F & LINDA B	5075	734	1.39	742471014
7	FRAZIER, MARK F	8973	2396	0.20	742472415
8	FRAZIER, MARK F & MARA S	6950	897	1.48	742474555
9	GOODWIN, WILLIAM S	12399	1196	2.54	742366583
10	HURLOCK, RICHARD E	10496	1218	0.46	742462517
11	KELLYS NORTH CAROLINA LEASING LLC	11465	2735	0.50	742462489
12	KEYE, RONALD E & JODY P	2873	167	1.00	742367712
13	MAXWELL, TRACEY JANELLEHERK, VICKI LANE	12865	2633	13.58	742374063
14	NETTLES, FRIEDA MAE & CARL	93-E	2555	0.50	742368697
15	PRINCE OF PEACE EPISCOPAL CHURCH OF APEX	10588	609	5.00	742465381
16	SALEM RIDGE OF APEX LLC	12283	526	0.79	742378518
17	SMITH, LOUIS C SMITH, STANLEY C	11218	843	3.02	742376342
18	SMITH, VONNIE BRYAN & TONI ANNETTE	8635	683	0.51	742461696
19	THOMPSON, JUNE N	2764	579	0.50	742369479
20	THOMPSON, JUNE N	2335	365	2.80	742369278
21	APEX FIRST DEVELOPMENT LLC	10902	190	45.67	742556730

LEGEND

- EXISTING CONTOUR (SEE REFERENCE 1)
- PROPERTY LINE (SEE REFERENCE 2)
- LEASED PROPERTY LINE (APPROXIMATE)
- PROPERTY ADJOINERS
- CREEK/STREAM

REFERENCES

1. OVERALL SITE TOPOGRAPHY FROM WAKE COUNTY GIS DEPARTMENT, DATA GENERATED FROM LIDAR DATED 1999.
2. SITE PROPERTY LINE AND SURROUNDING PROPERTIES FROM WAKE COUNTY GIS DEPARTMENT.



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FIGURE NO.	1	FILE NAME	SHOT-B0025
SCALE:	AS SHOWN	PROJECT NO.	SHOTXFER 08-1
CHECKED BY:		DATE:	Apr. 2009
DRAWN BY:	J.A.L.		

**APEX C&D WASTE
TRANSFER FACILITY
SITE PLAN**

TITLE: