



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.