



Facility Permit No: 92-30
Wake County
Highway 55 C&DLF, LLC
Permit to Construct: Phase 2
Document ID No. 5929
March 24, 2009
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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

**CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL
LARGE TYPE 1 SOLID WASTE COMPOST AND REPROESSING FACILITY**

PERMIT NO. 92-30

Griffin Brothers Companies

d/b/a Highway 55 C&D Landfill, LLC.

is hereby issued a
PERMIT TO CONSTRUCT
Phase 2

Located north of and accessed by Old Smithfield Road and west of Highway 55 By-pass and further described 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 facility is located and described by the legal description of the site or the property map contained within the approved application and previous permits.

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

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Telephone 919-508-8400 \ Fax 919-733-4810 \ Internet <http://wastenotnc.org>

One
North Carolina
Naturally

ATTACHMENT 1

PART I: PERMITTING HISTORY

FACILITY PERMIT NO: 92-30	ISSUANCE DATE	DIN
Original Issue date (PTC)	August 12, 2002	
Amendment 1 (PTO)	December 10, 2002	
Amendment 1 Modification, Compost & Reprocessing Facility (PTO)	December 27, 2002	3187
PTC Issued (C&D Phase I Expansion)	February 14, 2002	
PTO Issued (C&D Expansion)	July 24, 2002	
PTC Issued (C&D Phase 2 & Large Type 1 Solid Waste Compost & Reprocessing Facility)	February 24, 2009	5929

PART II: LIST OF DOCUMENTS FOR THE APPROVED PLAN

1.	Report - Site Application - <i>Highway 55 C&D Landfill and Recycling Center</i> - prepared for Highway 55 C&D Landfill, LLC Construction & Demolition Landfill - Wake County, North Carolina; application dated 19 April 2002 and received 24 April 2002 from Enviro-Pro, P.C.
2.	Response to Comment dated 19 March 2002 - Site Suitability Permit Application, response received 24 April 2002 and 8 May 2002 from Enviro-Pro for information dated 19 April 2002 and 7 May 2002
3.	Second Response to Comment letter dated 3 July 2002 - Site Suitability Permit Application - response dated 11 July 2002 "Revised Site Plan Application Report" from Enviro-Pro
4.	Certified minutes from Wake County dated 3 December 2001 and 19 November 2001 indicating the vote of the Wake County Commissioners in approving the franchise for Highway 55 C&D Landfill, LLC, received in the Revised Site Suitability application dated April 2002 received 24 April 2002
5.	Special Use Permit recorded in Deed Book: 9099 and Pages: 1039 thru 1044, as part of the Site Suitability application dated April 2002 received 24 April 2002
6.	Deed description for re-combination of properties consisting of Book: 9099 and Pages: 1039 - 1044 representing 116.333 acres and Book: 9488 and Pages: 0922 - 0923 representing 0.963 acres.
7.	Reprocessing facility application dated December 17, 2002, signed by design engineer on December 18, 2002, received by the Solid Waste Section on December 19, 2002.
8.	<i>Phase II Construction Plan Application, Phase I Closure Update, and Composting Permit.</i> Prepared for: Highway 55 C&D Landfill, LLC. Prepared by: BP Barber. August 2007. Revised June 26, 2008. As Amended February 5, 2009 and February 19, 2009. DIN 5054

Part III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Wake County, N.C. Register of Deeds				
Book	Page	Acreage	Grantor	Grantee
9099	1039-1044	116.333	Fon Associates Limited Partnership	Highway 55 C&D Landfill, LLC
9488	0922-0923	0.963	R. Markham and Ruth B. Stewart (50%), Melissa S. Woodell and Anthony K. Woodell (50%)	Highway 55 C&D Landfill, LLC

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 Construct shall expire on September 24, 2010. The Permit to Construct must be implemented in accordance with Attachment 2 of this permit. The Permit to Operate shall expire on March 24, 2014.
2. The persons to whom this permit is issued (“permittee”) are the owners and operators of the solid waste management facility.
3. [Intentionally Blank].
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 shall 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 1, Part II: *List of Documents for the 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 2

CONDITIONS OF PERMIT TO CONSTRUCT

PART I: GENERAL FACILITY CONDITIONS

Facility Construction Conditions

- 1 Pursuant to the North Carolina Solid Waste Management Rules 15A NCAC 13B .0201 (c) and (d) (1) and Rule 15A NCAC 13B .0534 (b) (2) (H), this permit approves construction of Phase 2 of the Highway 55 C&D Landfill.
- 2 The initial, substantial, construction authorized by this Permit to construct must commence within 18 months from the issuance date of this permit. If substantial construction does not begin within 18 months from the issuance date of this permit, then the permit shall expire. Substantial construction includes, but is not limited to, issuance of construction contracts, mobilization of equipment on site, and construction activities including installation of sedimentation and erosion control structures. The permittee may re-apply for the Permit to Construct prior to the expiration date. The re-application will be subject to the statutes and rules in effect on that date and may be subject to additional fees.
- 3 Construction of all solid waste management units within this facility must be in accordance with the pertinent approved plans and only for those phases of development approved for construction as described in Attachment 1, Part II, "List of Documents for the Approved Plan."
- 4 The permittee must conduct a preconstruction meeting at the facility prior to initiating construction of any unit/cell and must notify the Section at least ten (10) days prior to the meeting.
- 5 Modifications or revisions of the approved documents or changes during construction of any landfill unit/cell require approval by the Section, and may constitute a permit modification and be subject to a permitting fee.

Geologic, Ground Water, and Monitoring Requirements

- 6 Prior to issuing the Permit to Operate, the ground water monitoring wells and surface water sampling locations must be sampled for the Appendix I constituent list.
- 7 Prior to construction of the phase or cell(s) within the phase, all piezometers, borings, and ground water monitoring wells within the footprint area must be properly abandoned in accordance with 15A NCAC 02C .0113 (b)(1), entitled "Abandonment of Wells." All piezometers within the footprint area must be overdrilled to the full depth of the boring,

prior to cement or bentonite grout placement and the level of the grout within the boring must not exceed in height the elevation of the proposed base grade.

- 8 All borings which intersect the water table at the site must be constructed and maintained as permanent monitoring wells in accordance with 15A NCAC 02C .0108 and certified as meeting this condition by a Licensed Geologist. A Licensed Geologist must supervise the installation of groundwater monitoring wells.
- 9 Any borings which intersect the water table at the site that are abandoned must be properly abandoned in accordance with the procedures for permanent abandonment of wells as delineated in 15A NCAC 02C .0113 and certified as meeting this condition by a Licensed Geologist.
- 10 The landfill subgrade must be graded in accordance to the approved plans and specifications. The permittee must have the subgrade inspected by a qualified geologist or engineer when excavation is completed. The permittee must notify the Section's hydrogeologist at least twenty-four (24) hours before subgrade inspection.
- 11 Within thirty (30) days of the completed construction of each new ground-water monitoring well, the well construction record (GW-1b form), well schematic, boring log, field log and notes, and description of well development activities must be submitted to the Section.
- 12 Within thirty (30) days of the completed permanent abandonment of a ground-water monitoring well, the well abandonment record (GW-30 form) and any additional information included in the abandonment record) must be submitted to the Section. The well abandonment records must be submitted to the Solid Waste Section in accordance with 15A NCAC 2C .0114(b) and be certified by a Licensed Geologist.
- 13 The permittee must obtain approval from the Section for the design, installation, and development and decommission of any monitoring well or piezometers. Any modification to an approved plan must be reviewed and approved by the Section. Documentation must be placed in the operating record and provided to the Section.

Erosion and Sedimentation Control Requirements

- 14 All required sedimentation and erosion control measures must be installed and operable to mitigate on-site erosion of the C&DLF facility or unit and to prevent sediment from leaving the C&DLF facility.
15. All land-disturbing activities must be conducted in accordance with the Sedimentation Pollution Control Law (15 NCAC 4) and consistent with any federal, state, or local requirements.

16. Facility construction, operations, or practices must not cause or result in a discharge, including dredged or fill material, into the waters of the state in violation of the requirements under Sections 401 and 404 of the Clean Water Act, as amended.
17. Modifications to the approved sedimentation and erosion control activities require approval by the North Carolina Land Quality Section. The Section must be notified of any sedimentation and erosion control plan modifications.

PART II: MUNICIPAL LANDFILL UNIT SPECIFIC CONDITIONS

Not Applicable

PART III: CONSTRUCTION AND DEMOLITION DEBRIS UNIT SPECIFIC CONDITIONS

18. Development of Phase 2 shall only be in accordance with the Division approved plans and the requirements of 15A NCAC 13 B .0531-.0547. The construction of Phase 2 is permitted for approximately:
 - a. 14.8 acres
 - b. 1,100,000 cubic yards of available and reasonable obtainable air space.
 - c. The cumulative waste tonnage for the period is based on a maximum of 300,000 tons per year. The facility boundary approved in the Site Suitability Letter dated August 9, 2002 was 88.6 acres.
 - d. Gross capacity is the measured volume between the bottom of waste and the top of final cover.
 - e.. Areas identified as future cells are deemed suitable for preparation of a permit application in accordance with North Carolina Solid Waste Rule 15A NCAC 13B .0536(a)(1). The permittee must submit an application for a Permit to Construct in compliance with applicable rules and statutes before commencement of construction in those future areas.
 - f.. This permit approves the Facility Plan that defines the comprehensive development of the facility including the total C&DLF capacity, the C&D waste stream, all onsite solid waste management facilities and related infrastructure in accordance with 15 NCAC 13B .0537. The landfill approved for development is summarized below.

Area	Gross Capacity (Cu.Yds.)	Acreage
Phase 1	858,000	17.8
Phase 2	1,100,000	14.8
Phase 3	900,000	11.2
Totals	2,858,000	43.8

**PART IV: LAND CLEARING AND INERT DEBRIS UNIT SPECIFIC CONDITIONS
(NOT APPLICABLE)**

**PART V: YARD WASTE UNIT SPECIFIC CONDITIONS
(NOT APPLICABLE)**

**PART VI: MISCELLANEOUS TREATMENT AND PROCESSING UNIT SPECIFIC
CONDITIONS**

Large, Type 1 Solid Waste Compost and Reprocessing Facility

1. Operation and maintenance of this facility shall be in accordance with the Solid Waste Compost Rules (15A NCAC 13B, Section .1400), the permit application and the Operation and Maintenance Manual, dated June 26, 2008 and revised through February 19, 2009, submitted with the permit application. Failure to comply may result in compliance actions or permit revocation.
2. This facility shall be operated in such a manner that erosion and runoff from the site shall be controlled. Any leachate generated at the facility shall be managed in such a manner that it will not be allowed to adversely impact ground or surface waters. Groundwater monitoring wells may be required if there is indication of the potential for groundwater contamination.
3. A storm water permit for the facility shall be maintained as long as the facility is in operation.
4. Only materials specifically listed in the permit application may be managed at this facility without adequate testing and prior approval of the Division of Waste Management.
5. Wastes with low carbon-nitrogen ratios, such as grass clippings, shall be incorporated into the windrows within seven days or prior to the waste starting to compost (heat), create odors or attract vectors.
6. Temperatures of compost windrows shall be monitored at a frequency adequate to assure that the temperature requirements of Rule .1406(10) are met. If wood chip windrows generate temperatures in excess of 115 degrees F they should be treated as compost.
7. Facility operation records shall be maintained in accordance with Rule .1408(b).

8. An annual report of facility activities for the fiscal year July 1 to June 30 shall be submitted to the Division of Waste Management, Solid Waste Section, by August 1 of each year, in accordance with Rule .1408(c) of the Solid Waste Compost Rules.
9. The facility shall be operated and maintained with sufficient dust control measures to minimize airborne emissions and to prevent dust from becoming a nuisance or safety hazard.
10. A properly completed application for permit renewal, consistent with .0201(e), shall be submitted at least 180 days prior to the permit expiration date in order to assure continued operation.
11. Changes in ownership, increase in facility capacity, or receiving additional feedstocks shall require a permit modification.

- End of Permit Conditions -