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



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

October 1, 2003

Mr. Norbert Hector, President
Material Recovery, LLC
421 Raleigh View Road
Raleigh, North Carolina 27610

Subject: Solid Waste Permit No. 92-31: Permit to Operate Phase 1/Cell A
Material Recovery, LLC Construction and Demolition(C&D) Landfill
Brownfield Road, Raleigh, Wake County, North Carolina.

Dear Mr. Hector:

The referenced PERMIT TO OPERATE is issued in accordance with N.C.G.S. 130A-294 and the N.C. Solid Waste Management Rules, 15A NCAC 13B, .0201(b)(1). Enclosed is attachment 1, which lists documents included in the Approved Plan. The approved facility description includes the area described in the attached legal description. Within the approved facility, the initial area identified as Phase I/CELL A (the first subcell of the five year phase encompassing 19.00 acres) is permitted for operation as shown on Drawing No. 4 (Phase 1 - base grading plan of the original approved plans), based on the certification drawing dated 28 August 2003 by TRC Triangle and the certification letter from Joyce Engineering dated 16 September 2003.

This permit is for the operation of Phase I/CELL A (the first subcell of the five year phase encompassing 19.00 acres) as shown on Drawing No. 4 (Phase I - base grading plan) dated 28 December 2001 of the approved plans, as part of the permit submittal document dated 28 December 2001 and received 31 December 2001. At the end of the first five-year operational period, Material Recovery, LLC may apply for an expansion into and construction of Phase 2, but will be subject to all rules in effect at that time. This permit is issued to Material Recovery, LLC as the owner and operator of the facility.

Please refer to the GENERAL CONDITIONS of this permit for recordation procedures, the definition of the approved plan, and for general terms of the Solid Waste Permit.

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Mr. Hector
Page 2
October 1, 2003

The CONSTRUCTION AND OPERATION conditions describe permitted fill areas, acceptable waste types, landfill operation, and requirements which must be satisfied prior to operation of the facility as a Construction & Demolition landfill. Specific requirements for groundwater monitoring and facility record keeping and reporting are described in the MONITORING AND REPORTING conditions.

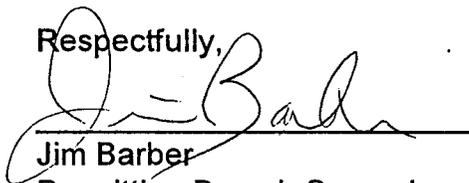
Please review the Conditions of Permit thoroughly, especially the following specific conditions:

- A. Monitoring and Reporting Requirement No. 14(e) requires that the groundwater quality monitoring wells must be installed and sampled prior to accepting waste at this landfill. Please consult with Ms. Ellen Lorscheider, Solid Waste Section Project Hydrogeologist at (919) 733-0692, Ext. 345 just prior to well construction to help ensure that completed wells meet well construction standards and will be acceptable for monitoring purposes.

- B. Drawing No. 6, 7 and 12 of the construction plans will need to be revised to reflect the construction and operation of sub-cells A, B and C as discussed at the 27 January 2003 meeting between Material Recovery, LLC representatives and the Solid Waste Section. Also, page 11 of the text in Section 3.3.1 (Filling Operation Cell Progression) will need to be revised.

Again, please review the Conditions of Permit thoroughly and contact me if you have any questions or if you require further clarification. Mr. Robert Hearn is the Solid Waste Section Waste Management Specialist for this area and can be contacted at the DENR Raleigh Regional Office by phone at (919) 571-4700. Jim Coffey can be contacted at the Raleigh Central Office at (919) 733-0692 Extension 256 or Jim Barber at (919) 733-0692 Extension 255.

Respectfully,



Jim Barber

Permitting Branch Supervisor
Solid Waste Section
enclosure

cc: Jim Coffey
Mark Fry
Robert Hearn
Ellen Lorscheider
Raleigh Central File: Wake County; 92-31 Permit File
Joyce Engineering

PERMIT NO.: 92-31
DATE ISSUED(PTC): 01/31/03
DATE ISSUED(PTO/CELL A): 10/01/03

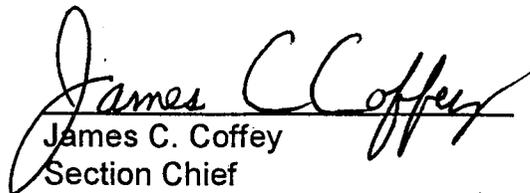
STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
1646 MAIL SERVICE CENTER; RALEIGH, NC 27699-1646

SOLID WASTE PERMIT
MATERIAL RECOVERY, LLC

is hereby issued a PERMIT TO OPERATE a

Construction and Demolition Landfill unit, PHASE 1 (CELL A)

located west of and accessed by Brownfield Road and further described by Parcel Identification Number 1741.04-73-2924 in St. Marys Township, Raleigh, Wake County, North Carolina in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit. The facility is located and described by the legal description of the site included with this permit and further identified on the deed recorded for this property in Book: 8806 and Page(s): 849 in the Wake County Register of Deeds for Material Recovery, LLC.


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

PERMIT NUMBER: 92-31
DATE ISSUED(PTC): 01/31/03
DATE ISSUED(PTO/CELL A): 10/01/03

SOLID WASTE PERMIT
PERMIT TO CONSTRUCT
Material Recovery, LLC
A Construction and Demolition Debris Landfill Unit - PHASE I (Cell A)

CONDITIONS OF PERMIT:

GENERAL

1. This PERMIT TO CONSTRUCT will be in effect for eighteen months from date of issuance and may be reviewed under rules in effect at that time if the facility is not constructed within this time frame. Modifications to the facility may be required in accordance with rules in effect at the time of review. This permit shall not be effective unless the PERMIT TO CONSTRUCT along with the certified copy is filed in the Register of Deeds Office, in the grantor index under the name of the owner of the land in the county or counties in which the land is located. This PERMIT TO CONSTRUCT should be referenced and recorded against the deed recorded in **Book: 8806 Pages: 0845 thru 0848 and Book: 8806 Pages: 0849 thru 0852**. The certified copy shall be returned to the Solid Waste Section, within 30 days of receipt of the PERMIT TO CONSTRUCT, and shall have indicated on it the book number, page, date of recordation and the Register's seal.

The Permit to Construct, dated 31 January 2003, was recorded by the Wake County Register of Deeds on 14 February 2003 in Book: 9914 Pages:701-720.

When this property is sold, leased, transferred or conveyed, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument, a statement that the property has been used as a sanitary landfill.

2. The approved plan is described by Attachment 1, "List of Documents for Approved Plan". Where discrepancies may exist, the most recent submittal and the Conditions of Permit shall govern. Some components of the approved plan are reiterated in the Conditions of Permit.
3. This permit is not transferable.
4. This permit is for a period of five years from the date of the PERMIT TO OPERATE, 1 October 2008, and is subject to review on or before the date of the PERMIT TO OPERATE as per 15A NCAC 13B .0201(c). Modifications to the facility may be required, and additional information submitted, in accordance with the rules in effect at the time of the review.

5. The service area for this facility consists of the following counties: Chatham, Durham, Johnston, Orange and Wake and its municipalities, consistent with the franchise approved by the Wake County Board of Commissioners on 4 February 2002. The disposal capacity for PHASE 1 is approximately 1,429,000 cubic yards (page 3, section 2.5 - landfill capacity), consistent with the final contours as shown on Drawing No. 5 (Phase I - Final Grading Plan) in the construction application. This capacity is based the receipt of 650 tons/day with the facility operating 5.5 days/week (approx. 286 days/ year), with a maximum variance in accordance with GS 130A-294(b1)(1) and consistent with the approved franchise granted by the County of Wake dated 4 February 2002.

CONSTRUCTION

6. This permit is for the operation of the Material Recovery, LLC Construction and Demolition(C&D) Landfill unit denoted as Phase 1 (sub-cell A) in accordance with Drawing No. 4 titled "Phase I - Base Grading Plan". Prior to placing waste in areas of Phase 1, consistent with the above mentioned drawing, certification that Phase 1 (and/or sub-cells) has been constructed and graded in accordance with the approved plans will be required.
 - a. If dried sludges (from drying bed, class B compost type) are encountered during excavation of the landfill footprint, shall be stored separately from the excavated soils and not used in the landfill operations.
7. All sedimentation/erosion control activities will be conducted in accordance with the Sedimentation Control Act codified at 15 NCAC 4 and consistent with local, delegated programs. Native vegetation shall be established on the completed C&D landfill unit in accordance with 15A NCAC 13B .0505 (3)(b)(c).

PRE-OPERATION

8. The following requirements shall be met prior to operation of PHASE 1(i.e. Prior to the issuance of a PERMIT TO OPERATE for Cell B and Cell C):
 - a. PHASE 1 preparation shall be in accordance with the construction plan, Drawing No. 4, and the conditions specified herein; and construction of PHASE 1 shall be certified by the design engineer to be constructed in accordance with the approved plans.
 - b. PHASE 1 unit inspection shall be made by a representative of the Division of Waste Management (DWM) with the owner/operator.
 - c. Signs shall be posted at the entrance of Material Recovery, LLC landfill, in accordance with the Access and Safety Requirements under Operation Condition .0505(8).
 - d. Groundwater monitoring wells (see Monitoring and Reporting Requirements) shall be installed consistent with condition 14(a) thru (g). A baseline sampling for water quality shall be performed. Well construction records, soil boring logs and sample analysis results shall be submitted to the Section Hydrogeologist for review and approval prior to operation of the C&D unit.

- e. Inspection and certification of the PHASE 1 (cells B and C) subgrade, by the project hydrogeologist, to determine if subgrade conditions are consistent with the observations made during the initial site investigations and information provided in the site hydrogeology. Contact the Solid Waste Section hydrogeologist to schedule this site visit to discuss and determine the final monitoring system, groundwater and surface water locations, for the facility.
- f. No blasting shall take place on the site unless a pre-blast survey is performed and a blasting plan is submitted to the Solid Waste Section for review and concurrence.
- g. All well construction records and soil boring logs(for existing and new wells), along with sample analysis results shall be submitted to the Section Hydrogeologist for review and approval prior to operation of the C&D unit.
- h. If soils are to be excavated from the bio-solids land application area and stockpiled for operational use at the facility; then a management plan shall be submitted detailing the handling of these soils prior to use. A location drawing shall be submitted indicating the location of stockpile areas, with buffers to wetlands/streams/ponds/property lines and on-site wells, at a minimum.

OPERATION:

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

Yard trash as defined in G.S. 130A-290, shall not be disposed in the landfill area. However, yard trash, along with land-clearing debris, may be accepted for processing in the Yard Waste Composting Area or disposed of in a LCID landfill.
- 10. Operation of the C&D landfill unit shall conform to the operating procedures described in the approved plan, in accordance with Section .0505 of the Solid Waste Management Rules, and in accordance with the following requirements: Waste Acceptance and Disposal.
 - a. The C&D unit shall accept only those solid wastes which it is permitted to receive as outlined in condition 9.
 - b. No municipal solid waste, hazardous waste, or liquid waste shall be accepted for disposal in the C&D unit.
 - c. The permittee shall implement a program for the C&D unit for detecting and preventing the disposal of MSW, hazardous or liquid wastes. The program shall include, at a minimum:

- (i) Random inspections of incoming loads or other comparable procedures;
- (ii) Records of any inspections shall be made available upon request;
- (iii) Training of personnel to recognize hazardous and liquid wastes;
- (iv) Development of a contingency plan to properly manage any identified hazardous, liquid or MSW wastes; The plan must address identification, removal, storage, and final disposition of waste.

Cover Material Requirements

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

Access and Safety

- g. The C&D unit shall be adequately secured by means of gates, chains, berms, fences, or other security measures approved by the DWM to prevent unauthorized entry.
- h. An attendant shall be on duty at the Material Recovery, LLC landfill at all times while it is open for public use to ensure compliance with operational requirements.
- i. The access road from Brownfield Road to the C&D unit shall be of all-weather construction and maintained in good condition.
- j. Dust control measures shall be implemented when necessary.
- k. Signs providing information on dumping procedures, the hours of operation, the permit number, and other pertinent information shall be posted at the entrance to the Material Recovery, LLC landfill.
- l. Signs shall be posted stating that no MSW, hazardous waste or liquid waste can be received in the C&D unit.
- m. Traffic signs or markers shall be provided as necessary to promote an orderly traffic pattern to and from the discharge area and to maintain efficient operating conditions.
- n. The removal of solid waste from the facility is prohibited unless the owner/operator approves and the removal is not performed on the working face.

- o. Barrels and drums shall not be disposed of unless they are empty and perforated sufficiently to ensure that no liquid or hazardous waste is contained therein, except fiber drums containing asbestos. Asbestos waste shall be managed in accordance with 40 CFR 61.
- p. Open burning of solid waste is prohibited. Fires shall be reported to the Solid Waste Section by phone within 24 hours of an incident and written notification shall be submitted within 14 working days addressing the events at the site and future actions to be taken in the future to avoid and or mitigate potential fire hazards.
- q. The concentration of explosive gases generated by the C&D unit shall not exceed:
 - i. twenty-five percent of the lower explosive limit(1.25% of CH₄) for gases in site structures (excluding gas control or recovery system components if necessary; and
 - ii. One hundred percent of the lower explosive limit(5% CH₄) for gases at the property boundary. Installation of permanent gas monitoring wells may be required in the future to demonstrate compliance.

Erosion and Sedimentation Control

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

Drainage Control and Water Protection Requirements

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

- 11. All pertinent landfill operating personnel will receive training and supervision necessary to properly operate this C&D landfill unit in accordance with G.S. 130A-309.25 and addressed by memorandum dated 29 November 2000(enclosed). During operating hours a certified landfill operator shall be on-site.

12. Ground water quality for the C&D landfill unit is subject to the classification and remedial action provisions referenced in Rule .0503 (2)(d) of 15A NCAC 13B.
13. A closure and post-closure plan must be submitted for approval at least 90 days prior to closure or partial closure of any landfill unit. The plan must include all steps and measures necessary to close and maintain the C&D unit in accordance with all rules in effect at that time. At a minimum, the plan shall address the following:
 - a. Design of a final cover system as required by the solid waste management rules in effect at the time of closure;
 - b. Construction and maintenance/operation of the final cover system and erosion control structures;
 - c. Surface water, ground water, and explosive gas monitoring.

MONITORING AND REPORTING REQUIREMENTS

14. Ground-water monitoring wells and monitoring requirements for the C&D landfill unit:
 - a. Monitoring well design and construction shall conform to the specifications outlined in, "North Carolina Water Quality Monitoring Guidance Document for Solid Waste Facilities-DRAFT" and water quality sampling and analysis shall be done in accordance with Construction and Demolition landfills and Closed Sanitary Landfills.
 - b. A total of seven locations for ground water wells MW-1(up-gradient) and MW-2, MW-3, MW-4, MW-5, MW-6 and MW-7(down-gradient) locations for Phase I) and four surface water locations SW-1 & SW-2 (west surface water feature) and SW-3 and SW-4 (north surface water feature) in accordance with the Groundwater Monitoring Plan. **See condition 8(e).**
 - c. A geologist shall be in the field to supervise well installation. The exact locations, screened intervals, and nesting of the wells shall be established after consultation with the SWS Hydrogeologist at the time of well installation.
 - d. For each monitoring well constructed, a well completion record shall be submitted to DWM within 30 days upon completion.
 - e. Prior to the acceptance of any waste at the C&D unit, a baseline sampling event shall be completed and analysis submitted to the SWS Hydrogeologist.
 - f. Sampling equipment, procedures, and parameters shall conform to specifications outlined in the above-referenced guidance document,[Monitoring and Reporting Requirements, condition 14(a) pg. 9] or the current guidelines established by DWM at the time of sampling.
 - g. In order to determine ground-water flow directions and rates, each monitoring well shall be surveyed, and hydraulic conductivity values and effective porosity values shall be established for the screened intervals for each monitoring well.

- h. The permittee shall sample the monitoring wells semi-annually or as directed by the SWS Hydrogeologist. In addition to the wells described in condition 14(b); surface water locations SW-1, SW-2, SW-3 and SW-4 shall also be sampled semi-annually as part of the monitoring system.
 - i. A readily accessible unobstructed path shall be initially cleared and maintained so that four-wheel drive vehicles may access the monitoring wells at all times.
- 15. The permittee shall maintain a record of all monitoring events and analytical data. Reports of the analytical data for each water quality monitoring sampling event shall be submitted to DWM in a timely manner.
- 16. The permittee shall maintain a record of the amount of solid waste received at the C&D unit, compiled on a monthly basis. Scales shall be used to weigh the amount of waste received.
- 17. On or before 01 August 2004, and each year thereafter, the permittee shall report the amount of waste received (in tons) at the C&D unit and disposed of in the C&D landfill unit to the Solid Waste Section and to all counties from which waste was accepted, on forms prescribed by the Section. This report shall include the following information:
 - a. The reporting period shall be for the previous year, beginning 01 July and ending on 30 June;
 - b. The amount of waste received and landfilled in tons, compiled on a monthly basis, and;
 - c. Documentation that a copy of the report has been forwarded to all counties from which waste was accepted.
 - d. The owner or operator of a solid waste management facility shall not knowingly dispose of any type or form of solid waste that is generated within the boundaries of a unit of local government that by ordinance:
 - i. Prohibits generators or collectors of solid waste from disposing of that type or form of solid waste.
 - ii. Requires generators or collectors of solid waste to recycle that type or form solid waste.
- 18. All records shall be maintained on-site and made available to the SWS upon request, specifically records generated by conditions 10, 11, 13, 14, 15, 16 & 17.
- 19. Construction waste placed on the reclamation pad (Drawing No. 10 - Erosion and Sedimentation Control Plan Overview) shall be sorted and no waste shall remain on the pad after operating hours. Recyclable materials shall be placed in containers. Non-recyclable materials shall be placed in containers/trucks and disposed of in Phase 1, Cell A, at the end of the operating day.

20. If demolition waste is to be sorted and recycled; then a asbestos screening plan shall be submitted to the Div. Of Epidemiology (Jeff Dellinger at 733-0668) for approval and the approved plan forwarded to the Solid Waste Section for inclusion in the operations plan for the facility.
21. Dust control measures shall be utilized to minimize and eliminate visible dust emissions when materials are on the reclamation pad.
22. Waste shall not be placed on the reclamation pad during inclement weather, unless run-off control measures are installed.
23. Recycled materials, placed in containers, shall be removed from the site once the container is full.
24. Containers shall be on-site when waste is placed on the reclamation pad for sorting. Windblown materials shall be collected at the end of the day and no material shall be allowed to leave the facility boundary. If necessary, screens shall be placed (as allowed by zoning and special use permit) around the reclamation pad during operation.
25. Letter(s) documenting end-users/processors/recyclers shall be submitted to the Solid Waste Section, for sorted materials, and documentation shall be made placed in the facility operating record and made available for inspection upon request.
26. Processing of materials, shredding or grinding, shall not take place at the reclamation pad, unless approval has been granted under the special use permit and an operations plan revision is submitted to the Solid Waste Section.

ATTACHMENTS
MATERIAL RECOVERY, LLC
List of Documents for the Approved Plan

SITE SUITABILITY:

1. Volume One - Site Application - Section I, Material Recovery, LLC/Brown-field Road Construction & Demolition Landfill - Wake County, North Carolina; application dated December 2001 and received 31 December 2001 from Joyce;
2. Volume One - Site Application - Section II, Material Recovery, LLC/Brown-field Road Construction & Demolition Landfill - Wake County, North Carolina; application dated December 2001 and received 31 December 2001 from Joyce;
3. Documents received on 6 February 2002 from David E. Wagner addressing the franchise and special use permit approvals for Material Recovery, LLC to include affidavits from the Clerk to the Board of Commissioners, Ms. Gwendolyn I. Reynolds, and the agenda packages from the Wake Board of Commissioners meeting;
4. Response to Comments - Site Suitability Permit Application - Material Recovery, LLC - Construction & Demolition Landfill - Wake County, North Carolina; application dated 18 April 2002 and received 19 April 2002 from Joyce;
5. Response to Completeness Review Comments - Site Application - Material Recovery, LLC - Construction & Demolition Landfill - Wake County, North Carolina; dated 7 May 2002 and received 8 May 2002 from Joyce;
6. Second Response to Comments - Site Suitability Permit Application - Material Recovery, LLC - Construction & Demolition Landfill - Wake County, North Carolina; Site Application Hydrogeologic Report and Groundwater Monitoring Plan - Report of Analytical Results, dated 22 May 2002 and received 23 May 2002 from Joyce;
7. Site Suitability Permit Application information - Material Recovery, LLC - Construction & Demolition Landfill - Wake County, North Carolina; Groundwater Quality Assessment - Report of Well Installation and Results of First Monitoring Event, dated 3 September 2002 and received 4 September 2002 from Joyce;

CONSTRUCTION:

8. Deed descriptions for re-combination of properties consisting of Book: 8806 and Page: 849 representing 98.41 acres and Book: 8806 and Page: 845 representing 113.55 acres and re-combination map dated 10 May 2002, received 15 May 2002;
9. Letter dated 19 April 2002 from DWQ addressing NPDES permits for the facility;

10. Letter dated 8 May 2002 from State Historic Preservation Office addressing archaeological aspects of the site;
11. Erosion and Sedimentation Control Plan (revised), approved by Wake County Environmental Services - Erosion, Flood and Stormwater dated 24 May 2002; Permit No. 0023475;
12. U.S. Army Corps of Engineers report, Action I.D. 200220569 dated 25 February 2002, and site survey map indicating wetlands at the site.
13. Certification letter dated 16 September 2003 from Joyce Engineering addressing the construction of Phase 1, Cell A and related infrastructure. Along with the letter were three drawings addressing as-built grades, proposed grades from approved plan and groundwater/rock contour map.



92-31
PTD 10/1/03
PHASE 1/CEUA
R.R.O. COPY

Waste Industry Experts

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September 16, 2003

Mr. Jim Barber
North Carolina Department of Environment and Natural Resources
Solid Waste Section
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

RE: Material Recovery, LLC, C&D Landfill
Solid Waste Permit #92-31
JEI Project 479.01, Task 03

Dear Mr. Barber;

The Permit to Construct for the Material Recovery, LLC, C&D Landfill, permit No 92-31, located off of Brownfield Road in Wake County contains conditions that are required to be met prior to waste disposal in the initial phase of the landfill. The purpose of this letter is to provide the certification required by Pre-Operation Condition 8.a which states that

"PHASE 1 preparation shall be in accordance with the construction plan, Drawing No. 4, and the conditions specified herein; and construction of PHASE 1 shall be certified by the design engineer to be constructed in accordance with the approved plans."

Condition 6 requires that *"Prior to placing waste in areas of Phase 1, consistent with [Drawing No. 4 titled "Phase 1 Base Grading Plan], certification that Phase 1 (and/or subcells) has been constructed and graded in accordance with the approved plans will be required."*

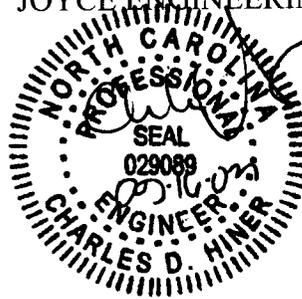
To date, sediment and erosion control features, the scalehouse/office, the entrance road, portions of the perimeter access road and Phase 1, Cell A, have been constructed in general accordance with the approved plans. Please see the attached drawing titled Site Plan, Existing Conditions, which details the extent of construction completed. Paving of the entrance road has not been completed as of this date nor have all of the perimeter privacy berms been constructed. A temporary entrance is located approximately as shown on the attached Existing Conditions drawing. Once paving of the entranceway has been completed, the temporary entrance will be closed and construction of the perimeter privacy berms will be completed by continuing it through the temporary access road.

Material Recovery has completed grading of Phase 1, Cell A. The as-built base grades have been surveyed and are detailed on the attached drawing "Brown Field Road CD Landfill, Cell "A" Verification" sealed by a licensed surveyor. Based on our site observation and review of the as-built survey, it is our opinion that Phase 1, Cell A, was constructed in accordance with the approved plans.

Mr. Jim Barber
September 16, 2003
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Please call me if you have any questions, or if you need any additional information related to the construction of Phase 1, Cell A. On behalf of Material Recovery, we appreciate your assistance with this project.

Sincerely,
JOYCE ENGINEERING, INC.



Charles Hiner, P.E.
Technical Consultant

C: Chris Roof, Material Recovery

North Carolina
Department of Environment and Natural Resources

Division of Waste Management

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



January 24, 2003

Mr. Norbert Hector, President
Material Recovery, LLC
421 Raleigh View Road
Raleigh, North Carolina 27610

Re: General Conditions and Site Specific Design Requirements for the Proposed
MATERIAL RECOVERY, LLC C&D Landfill, Wake County, North Carolina

Dear Mr. Hector:

The Solid Waste Section (Section) of the Division of Waste Management, has completed its review of the site study application for Material Recovery, LLC C&D landfill. The proposed site is located north of Old Baucom Road (S.R. 2542) and west of Brown-field Road (S.R. 2553) intersection in Raleigh, Wake County, North Carolina. The site will be accessed from Brown-field Road according to the site and construction plans in the site suitability and construction plan applications. Pursuant to Rule .0503(1) and .0504(1), of the North Carolina Administrative Code 15A NCAC 13B, the Division is notifying Material Recovery, LLC that the site is considered suitable based on the information provide to the Section in documents prepared by Joyce Engineering, Inc. (Joyce). The site suitability documents are as follows:

1. Volume One - Site Application - Section I, Material Recovery, LLC/Brown-field Road Construction & Demolition Landfill - Wake County, North Carolina; application dated December 2001 and received 31 December 2001 from Joyce;
2. Volume One - Site Application - Section II, Material Recovery, LLC/Brown-field Road Construction & Demolition Landfill - Wake County, North Carolina; application dated December 2001 and received 31 December 2001 from Joyce;
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6. Second Response to Comments - Site Suitability Permit Application - Material Recovery, LLC - Construction & Demolition Landfill - Wake County, North Carolina; Site Application Hydrogeologic Report and Groundwater Monitoring Plan - Report of Analytical Results, dated 22 May 2002 and received 23 May 2002 from Joyce;
7. Site Suitability Permit Application information - Material Recovery, LLC - Construction & Demolition Landfill - Wake County, North Carolina; Groundwater Quality Assessment - Report of Well Installation and Results of First Monitoring Event, dated 3 September 2002 and received 4 September 2002 from Joyce;

Material Recovery, LLC is authorized to prepare an application for a permit to construct. This letter addresses the approved disposal area, a scope for any additional subsurface investigations if required to prepare the construction plans for the disposal area and support facilities and design and construction standards for the referenced facility.

Section .0201 of the Solid Waste Management Rules (15A NCAC 13B) requires the Division to issue a solid waste permit in two parts. The first part is a Permit to Construct and the second part is a Permit to Operate. The Division may only issue a Permit to Operate after it determines that the facility has been constructed in accordance with the construction permit and that all pre-operative conditions have been met. **This letter is not a permit.** This letter only informs the applicant that they may proceed with their construction permit application. The final action the Division may take on a permit application is the issuance or denial of a permit.

APPROVED DISPOSAL AREA

General

Based upon information submitted in the December 2001 site suitability application (Volume One, Section I and II) and additional information received, as mentioned above, the Solid Waste Section has determined that the proposed 69+/- acre footprint (of the total 212 +/- acres proposed for the facility) as shown on drawing No. 4 (Existing Conditions) is suitable for the development of the C&D landfill.

The footprint may be smaller based on site specific design and hydrogeologic design of the site monitoring system and/or future delineation of wetlands on the south property, based on information in the Construction Plan submitted and any other activities Material Reclamation, LLC undertakes at the site to include recycling, composting and the location of buildings/storage facilities.

GENERAL CONDITIONS AND SITE-SPECIFIC DESIGN REQUIREMENTS

The Section requires the submittal of a construction plan application for the first five-year development phase, as identified in the conceptual design plan, which is consistent with the requirements of 15A NCAC 13B .0201(e), including, but not limited to, the site specific criteria set forth in this letter.

Buffers

Horizontal buffers shall be as described in the conceptual design and as designated in Rule .0503(2)(f), and shall also include the following buffer criteria:

- a) A 100-foot minimum buffer shall be maintained between facility boundaries and borrow areas, unless otherwise approved by the Division;
- b) A minimum 50-foot buffer shall be maintained between borrow areas and delineated wetlands;
- c) A minimum 50-foot buffer shall be maintained between disposal areas and delineated wetlands;
- d) A minimum 50-foot buffer shall be maintained between facility activities and any sites of archeological, historical and/or cultural significance;
- e). A minimum 200-foot buffer shall be maintained between the disposal area and the site property lines;
- f). A minimum 500-foot buffer to wells(on-site or off-site) and off-site dwellings.

Material Reclamation, LLC may utilize all remaining areas of the site, except buffer areas, for other solid waste management activities (such as yard waste composting or recycling) or for landfill support activities (such as stockpiling of cover material) upon approval by the Section.

Design and Construction Standards

1. The applicant must complete the application for a permit to construct consistent with Rule .0503(2) and .0504(2) and the general site conditions and design requirements of this letter.

Mr. Hector
January 24, 2003
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- 1a. The construction plan application shall include a plan for stockpiling and utilization of the on-site soils, especially those soils excavated within the footprint of the land application area for wastewater treatment plant residuals.
2. A property survey (describing the metes and bounds of the entire property owned) sealed by a licensed North Carolina Surveyor, shall be submitted with the permit to construct application.

Additional Subsurface Investigation

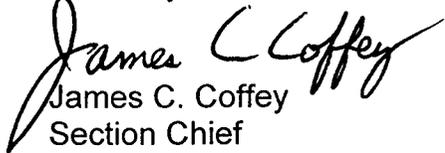
Any necessary additional geologic and hydrogeologic information (consistent with the information presented in the Second Response to Comments - Site Suitability Permit Application - Material Recovery, LLC - Construction & Demolition Landfill - Wake County, North Carolina; Site Application Hydrogeologic Report and Groundwater Monitoring Plan - Report of Analytical Results, dated 22 May 2002 and received 23 May 2002 from Joyce; along with ground water monitoring plan information shall be submitted as a component of the construction plan application. The report shall present the results of any additional subsurface investigations at the site and shall be consistent with the requirements of the Solid Waste Management Rules.

The Permit to Construct and the Permit to Operate will be issued to Material Recovery, LLC, as owner of the property.

The Division encourages Material Reclamation, LLC to take an aggressive approach to comprehensive solid waste management in order to contribute towards the States' waste reduction goals and lessen dependency upon conventional disposal in a municipal solid waste landfill facility.

If you have any questions, or would like to schedule a meeting to discuss this letter, please contact our office at (919) 733-0692, Ext. 255. The staff engineer assigned this project is Jim Barber at (919) 733-0692 Ext: 255.

Sincerely,



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

cc: Mark Fry, SWS
Jim Barber, SWS
Robert Hearn, SWS
Ms. Ellen Lorscheider, SWS
Dan Moore, Joyce
Raleigh Central File: Wake County N/F

SOLID WASTE SECTION DATABASE TRACKING FORM

Circle one: Add New Facility

Edit Existing Facility
(only list permit # and info. that has changed)

Add C&D Unit

SW SITES DATABASE

PERMIT NUM: (10) 92-31
SITE NAME: (40) MATERIAL RECOVERY/BROWFIELD RD C&D LF
SITE ADDRESS: (30) S.R. 2553/BROWFIELD RD.
SITE CITY: (25) RALEIGH COUNTY: WAKE

FACILITY TYPE DATABASE

FACILITY TYPE (circle one): LF I T TP MRF C YW

WASTE TYPE:
(check only the main type of waste received)

MSW
IND
CD
LCID
MED
TIRE
TIRE COLL
OTHER (list)

FACILITY INFO DATABASE

STATUS: OPEN CLOSED INACTIVE

LINED: YES NO

PUB/PRIV: PUBLIC PRIVATE

REGIONAL: YES NO

IF REGIONAL, LIST COUNTIES CHATHAM/DURHAM/JOHNSTON/ORANGE

APPLICANT DATABASE

AND WAKE

APPLICANT NAME: (25) NORBERT HECTOR

APPLICANT TITLE: (30) PRESIDENT

APPLICANT ROAD: (30) 421 RALEIGH VIEW RD

APPLICANT CITY: (20) RALEIGH STATE: (2) NC ZIP: (10) 27610

APPLICANT PHONE: 919-835-3655 APPLICANT FAX: 919-835-3622

CONTACT NAME: (25) CHRIS ROOF

CONTACT TITLE: (30) OPERATIONS MANAGER

CONTACT ROAD: (30) 421 RALEIGH VIEW RD

CONTACT CITY: (20) RALEIGH STATE: (2) NC ZIP: (10) 27610

CONTACT PHONE: 919-835-3655 CONTACT FAX: 919-835-3622

OPERATOR NAME: (25) _____

OPERATOR TITLE: (30) _____

OPERATOR ROAD: (30) _____

OPERATOR CITY: (20) _____ STATE: (2) _____ ZIP: (10) _____

OPERATOR PHONE: _____

Signature: J. Baber Date Completed: 1/31/03