Wilson | 12/13/07 | RCO 3598

Laura M Riddick
Register of Deeds
Wake County, NC

Book : 003914 Page : 00701 - 00720

Yellow probate sheet is a vital part of your recorded document.
Please retain with original document and submit for rerecording.

WAKE COUNTY
NORTH CAROLINA

Wake County Register of Deeds
Laura M. Riddick
Register of Deeds

North Carolina - Wake County

The foregoing certificate___ of B. J. Stanfield

_____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: Veronica D. Glover DEPUTY
~~Assistant/~~Deputy Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document
20 New Time Stamp
20 # of Pages

WAKE COUNTY, NC 707
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
02/14/2003 AT 14:41:15

BOOK:009914 PAGE:00701 - 00720

MAR 2003
Received
Solid Waste
Section

MAR 2003
Received
Solid Waste
Section

Return to: David E. Wagner, Esq.
Kennedy Covington Attorneys
VAULT BOX #123

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

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 CONSTRUCT a

Construction and Demolition Landfill unit, PHASE 1 (19.00 acre cell)

located west of and accessed by Brownfield Road 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

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

PERMIT NUMBER: 92-31
DATE ISSUED(PTC): 01/31/03

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

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.
   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 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 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 construction of the Material Recovery, LLC Construction and Demolition(C&D) Landfill unit denoted as Phase 1 (sub-cells A,B,C) 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):

    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 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-? and MW-?(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 2003, 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.

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 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.

Wake County,NC 444
Laura M Riddick, Register Of Deeds

Presented & Recorded 02/12/2001 13:55:10
State Of NC Real Estate Excise Tax : $3923
Book : 000000 Page : 00045 - 00048

Stamps $3,923.00 Excise Tax

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No. ID # 0211684 and ID # 0004648

Verified by County on the day of , 19

by

Mail after recording to L. James Blackwood, II, 108 Commerce Pl., Greensboro, NC 27401

This instrument was prepared by L. James Blackwood, II, 108 Commerce Pl., Greensboro, NC 27401

Brief description for the Index 2 Tracts 163.43 more over Brownfield Road

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 12 day of February, 2001, 19/, by and between

GRANTOR	GRANTEE
William A. Turner and wife, Debra C. Turner	Material Recovery, LLC 421 Raleighview Road Raleigh, NC 27610

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Township, Wake County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference as if fully set forth.

The property described in Exhibit A consisting of 2 Tracts was heretofore conveyed to Grantor by Deed recorded in Book 6555, Page 646, Wake County Public Registry and Grantor by this Deed intends to convey to Grantee all of the property therein described

The property hereinabove described was acquired by Grantor by instrument recorded in .....

.....

A map showing the above described property is recorded in Plat Book ..... page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

This conveyance is made subject to rights-of-way, restrictions and easements of record, if any, and ad valorem taxes for the year 2001.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

USE BLACK INK ONLY

.....
(Corporate Name)

By: .....

.....President

ATTEST:

.....

.....Secretary (Corporate Seal)

William A. Turner .....(SEAL)
William A. Turner

Debra C. Turner .....(SEAL)
Debra C. Turner

.....(SEAL)

.....(SEAL)

SEAL-STAMP PHILIP A SCHMITT NOTARY PUBLIC WAKE COUNTY NC

Use Black Ink

NORTH CAROLINA, Wake County.

I, a Notary Public of the County and State aforesaid, certify that .....
William A. Turner and wife, Debra C. Turner Grantor,
Personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 12 day of February, 2001 11

My commission expires: 2/5/2003 Philip A. Schmitt Notary Public

SEAL-STAMP

Use Black Ink

NORTH CAROLINA, ...County.

I, a Notary Public of the County and State aforesaid, certify that .....,
personally came before me this day and acknowledged that .... he is ..... Secretary of
..... a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its .....
President, sealed with its corporate seal and attested by ..... as its ..... Secretary.
Witness my hand and official stamp or seal, this .....day of ....., 19.....

My commission expires: ..... Notary Public

The foregoing Certificate(s) of .....
.....
.....
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

.....REGISTER OF DEEDS FOR.....COUNTY

By .....Deputy/Assistant - Register of Deeds

EXHIBIT A
to
DEED FROM WILLIAM A. TURNER and wife, DEBRA C. TURNER
to
MATERIAL RECOVERY, LLC

TRACT 1

BEGINNING at a point 70.65 feet North of the intersection of NCSR 2542 and NCSR 2553, having a line from NCSR 2542 to the point of Beginning of South 03° 54' 58" 70.65 feet, thence from said point North 89° 34' 18" West 578.19 feet to an existing iron pipe, thence from the existing iron pipe South 00° 15' 03" West 449.24 feet to an existing iron pipe, thence from the existing iron pipe South 00° 15' 03" West 36.92 feet to the center of NCSR 2542, thence from the center of NCSR 2542 South 53° 15' 50" West 172.61 feet along NCSR 2542, thence from this center point of NCSR 2542 North 00° 59' 07" West 36.56 feet to an existing iron pipe, thence from the existing iron pipe North 00° 59' 07" West 552.64 feet to an existing iron pipe, thence from the existing iron pipe South 89° 54' 28" West 888.40 feet to an existing iron pipe, thence from the existing iron pipe North 01° 28' 05" East 959.90 feet to an existing iron pipe, thence from the existing iron pipe North 01° 28' 17" East 314.90 feet to an existing iron pipe, thence from the existing iron pipe North 00° 46' 02" East 959.50 feet to an existing iron pipe, thence from the existing iron pipe South 87° 55' 55" East 2879.54 feet to a new iron pipe, thence from the new iron pipe South 87° 55' 55" East 35.68 feet to the center of NCSR 2553, thence from the center of NCSR 2553, traversing along the same road at the following coordinates: North 34° 51' 54" East 62.67 feet, North 35° 35' 00" East 601.74 feet, North 35° 25' 33" East 122.54, North 34° 46' 39" East 103.54 feet, North 34° 25' 54" 115.25 feet, North 33° 42' 51" East 122.91 feet, North 33° 34' 14" East 109.37 feet, North 32° 51' 31" East 104.44 feet, North 31° 20' 44" East 105.20 feet, North 30° 38' 28" East 914.06 feet, North 28° 24' 19" East 53.84 feet, North 21° 50' 36" East 51.26 feet and North 10° 10' 37" East 58.49 feet, which includes the 60 feet right-of-way reserved by DOT on NCSR 2553, to the point and place of BEGINNING, containing 113.55 gross acres, according to the plat of same prepared by William-Pearce & Associates, P.A., Registered Land Surveyors, dated March 21, 1995 and recorded in Book of Maps 1995, Page 456, of the Wake County Registry (and re-recorded in Book of Maps 1995, Page 1025, Wake County Registry).

TRACT 2

BEGINNING at the same point as did Tract 1 above and traversing along NCSR 2553 with those same coordinates as set forth above in Tract 1, those being as follows: North 10° 10' 37" East 58.49 feet, North 21° 50' 36" East 51.26 feet, North 28° 24' 19" East 53.84 feet, North 30° 38' 28" East 914.06 feet, North 31° 20' 44" East 105.20 feet, North 32° 51' 31" East 104.44 feet, North 33° 34' 14" East 109.37 feet, North 33° 42' 51" 122.91 feet; North 34° 25' 54" East 115.25 feet, North 34° 46' 39" East 103.54 feet, North 35° 25' 33" East 122.54 feet, North 35° 35' 00" East 601.74 feet, North 34° 51' 54" East 62.67 feet, North 33° 47' 21" East 92.11 feet, North 28° 21' 05" East 55.62 feet, North 24° 14' 24" East 56.47 feet, North 19° 07' 50" East 70.27 feet, North 14° 27' 54" East 55.00 feet, North 10° 22' 09" East 52.22 feet, North 06° 52' 39" East 76.00 feet, North 05° 41' 37" East 113.61 feet and North 04° 39' 47" 102.92 feet to a new PK nail in the center of NCSR 2553, thence from said new PK nail North 89° 23' 26" East 30.13 feet to a new iron pipe, thence from a new iron pipe 89° 23' 26" East 229.08 feet to an existing iron pipe, thence from said existing iron pipe South 52° 46' 34" East 600.84 feet to an existing iron pipe, thence from said existing iron pipe South 00° 02' 37" 311.54 feet to an existing iron pipe, thence from said existing iron pipe South 00° 12' 23" West 580.92 feet to an existing iron pipe, thence from said existing iron pipe South 89° 25' 55" West 731.89 feet to an existing iron pipe, thence from said existing iron pipe South 28° 23' 31" West 1687.75 feet to an existing iron pipe, thence from said existing iron pipe South 28° 23' 31" West 33.90 feet to the center of NCSR 2542, thence from this center point North 89° 34' 18" West 703.21 feet, which includes the 60 feet right-of-way reserved by DOT on NCSR 2542, to the point and place of BEGINNING, containing 49.88 gross acres, according to the plat of same prepared by William-Pearce and Associates, P.A., Registered Land Surveyor, dated March 21, 1995 and recorded in Book of Maps 1995, Page 456, of the Wake County Registry (and re-recorded in Book of Maps 1995, Page 1025, Wake County Registry, to correct right-of-way acreage in the above Tract 2).

WAT.
D.CT

Wake County,NC 445
Laura M Riddick, Register Of Deeds
Presented & Recorded 02/12/2001 13:55:10
State Of NC Real Estate Excise Tax : $2362
Book : 008806 Page : 00049 - 00052

Stamps $ 2,362.00 Excise Tax

Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. ID # 0025093

Verified by ..... County on the ..... day of ....., 19 ....

By .....

Mail after recording to L. James Blackwood, II, 108 Commerce Pl., Greensboro, NC 27401

This instrument was prepared by L. James Blackwood, II, 108 Commerce Pl., Greensboro, NC 27401

Brief description for the Index 95.41 acres State Brownfield Road

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 12 day of February, 2001 /19/ ..., by and between

GRANTOR	GRANTEE
Ashley Turner Enterprises, Inc.	Material Recovery, LLC 421 Raleighview Road Raleigh, NC 27610

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ..... St. Mary's Township, Wake County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference as if fully set forth.

N.C. Bar Assoc. Form No. 3 © 1976 Revised 1977.
Personal Office Supplies Inc., Greensboro, N.C. (910) 274-1581

The property hereinabove described was acquired by Grantor by instrument recorded in .....

.....

A map showing the above described property is recorded in Plat Book ..... page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

This conveyance is made subject to rights-of-way, restrictions and easements of record, if any, and ad valorem taxes for the year 2001.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Ashley Turner Enterprises, Inc.
(Corporate Name)

By: .....President

ATTEST: .....Secretary (Corporate Seal)

ASHLEY TURNER ENTERPRISES, INC. CORPORATE SEAL 1997

USE BLACK INK ONLY

.....(SEAL)

.....(SEAL)

.....(SEAL)

.....(SEAL)

SEAL-STAMP

NORTH CAROLINA, Wake County.

I, a Notary Public of the County and State aforesaid, certify that .....

..... Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ..... day of ....., 19.....

My commission expires: ..... Notary Public

Use Black Ink

SEAL-STAMP

PHILIP A. SCHMITT NOTARY PUBLIC WAKE COUNTY, NC

NORTH CAROLINA, Wake County.

I, a Notary Public of the County and State aforesaid, certify that Von Bradsham personally came before me this day and acknowledged that he is ..... Secretary of Ashley Turner Enterprises, Inc. a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its ..... President, sealed with its corporate seal and attested by ..... as its ..... Secretary.

Witness my hand and official stamp or seal, this 12 day of February, 2001

My commission expires: 2/9/2003 Philip A. Schmitt Notary Public

Use Black Ink

The foregoing Certificate(s) of .....

.....

.....

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

.....REGISTER OF DEEDS FOR.....COUNTY

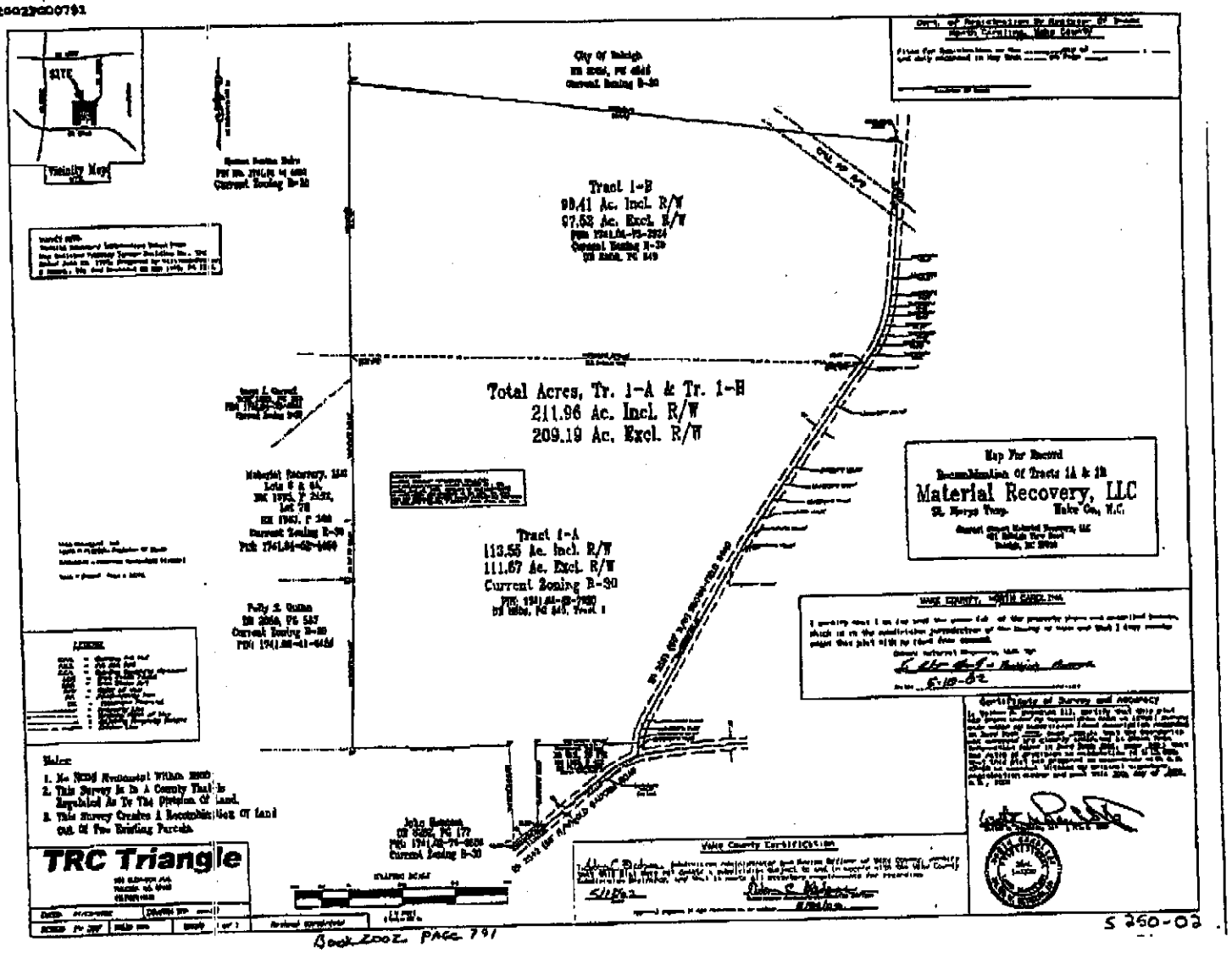
By .....Deputy/Assistant - Register of Deeds

EXHIBIT A
to
DEED FROM ASHLEY TURNER ENTERPRISES, INC.
to
MATERIAL RECOVERY, INC.

BEGINNING at an existing PK nail located in the centerline of SR 2553 (a 60' public right-of-way), said nail being distant North 31° 27' 48" East 2580.75 feet from the centerline intersection of SR 2542, said nail marking the northeast corner of the property owned now or formerly by William Ashley Turner as described in Deed Book 6555, Page 646, Wake County Registry; runs thence along and with the northern line of the Turner property (now or formerly) North 87° 55' 15" West 35.68 feet to an existing iron pipe located in the western right-of-way line of said SR 2553 and North 87° 55' 15" West 2879.54 feet to an existing iron pipe in the eastern line of the property owned now or formerly by Horace Benton Heirs; runs thence along and with said eastern line of the Benton Heirs property (now or formerly) North 00 48' 14" East 1534.73 feet to an existing concrete monument, said concrete monument marking the southwest corner of the property owned now or formerly by the City of Raleigh as described in Deed Book 2064, Page 433, Wake County Registry; runs thence along and with the southern line of the property of the City of Raleigh (now or formerly) South 82° 50' 24" East 3107.70 feet to an existing concrete monument located in the western right-of-way line of said SR 2553 and South 82° 50' 24" East 32.03 feet to a point in the centerline of said SR 2553; runs thence along and with said centerline of SR 2553 the following ten courses and distances: (1) South 04° 28' 32" West 611.79 feet to an existing PK nail; (2) South 04° 39' 47" West 102.91 feet to point; (3) South 05° 41' 37" West 113.61 feet to point; (4) South 06° 52' 39" West 76.00 feet to point; (5) South 10° 22' 09" West 52.22 feet to point; (6) South 14° 27' 54" West 55.00 feet to point; (7) South 19° 07' 50" West 70.27 feet to point; (8) South 24° 14' 24" West 56.47 feet to point; (9) South 28° 21' 05" West 55.62 feet to point; and (10) South 33° 47' 21" West 92.11 feet to the POINT AND PLACE OF BEGINNING, containing 98.41 gross acres, including 0.89 acres within the right-of-way of said SR 2553, all according to plat of survey dated April 27, 1999 and revised May 5, 1999 entitled "Property Survey for Ashely Turner Enterprises" prepared by Clyde T. Pearce, Professional Land Surveyor, of Williams-Pierce & Assoc., P.A.

The above described tract being the property conveyed to Harvey D. Ginn and wife, Cylester P. Ginn by deed recorded in Book 1726, Page 588, Wake County Registry. See also Estate File of Harvey D. Ginn found in 96 E 209 Wake County Clerk of Superior Court.

The above described property is all that property heretofore conveyed to Grantor by Deed recorded in Book 8310, Page 1316, the description of which is incorporated herein by reference and Grantor does hereby intend to convey all of said property to Grantee



"This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations."

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 a 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.

CERTIFIED COPY

I DO HEREBY CERTIFY THAT THE ATTACHED **PERMIT** IS AN EXACT AND TRUE COPY OF PERMIT NUMBER 92-31.

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

North Carolina

WAKE County

I, B.J. STANFIELD, a Notary Public for said County and State, do hereby certify that JAMES C. COFFEY of the Solid Waste Section, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 31 day of JANUARY, 2003.

OFFICIAL SEAL

B. J. STANFIELD NOTARY PUBLIC WAKE COUNTY, N.C.

B.J. Stanfield
NOTARY PUBLIC

My commission expires DECEMBER 29, 2004