

9231 2005

B
WAKE Co. 2005

Per Jeff Dellinger: 3/16/05

> Scale house guy ^{probably} NOT asbestos
trained. Guy on tipping pad
probably not trained.

> The material was a "skin
coat" on wall board. When
wet it becomes like a
mud. It is ^a regulated
asbestos.

> All material came from 19th
floor

HHCU is
> ¹ contemplating taking ~~and~~
compliance action against
entities @ demo site.

> Need to call Mary & request
that in future, they contact (over)

CF
92-31
CORRESPONDANCE

Subject: Re: ACM waste at Material Reclamation and Brownfield Road
From: Jim Barber <Jim.Barber@ncmail.net>
Date: Thu, 03 Mar 2005 11:21:14 -0500
To: John Crowder <John.Crowder@ncmail.net>
CC: Mark Poindexter <mark.poindexter@NCMail.net>, ROBERT HEARN <ROBERT.HEARN@ncmail.net>, JAMES COFFEY <JAMES.C.COFFEY@ncmail.net>

John;

I have reviewed the conditions of the permits for MRR, both the T&P site 92-24 and LF 92-31. The T&P permit doesn't have a direct reference to asbestos waste, but a general condition, #15, that addresses screening of waste for potential threats to environment and worker safety. This condition also references the approved screening plan and probably language addressing asbestos waste is in the screening plan. I would assume that the screening plan addresses regulated asbestos that is bagged and tagged or in fiber drums that are sealed. Permit #92-31 has a condition, #10 (o), that addresses the management of asbestos in accordance with 40 CFR 61 (which again probably refers to identified, regulated asbestos that is bagged and tagged).

It would appear that the facilities didn't follow the waste screening plans, but the fact that they received the asbestos containing waste from a demo job, in a manner that would suggest that it was a non-regulated material, the material probably would have been handled the same way by all of our C&D facilities. What makes this situation more problematic is that if any C&D facility in the state should be able to identify asbestos containing materials (regulated or non-regulated) it should be this facility, since a sister company is a asbestos removal and inspections contractor. I believe the op's plan refers to the sister company initially to handle waste screening and asbestos identification, until a site manager is certified to screen waste and identify asbestos containing materials.

John, did you receive the forwarded email from a week or two ago, that I received from HHB identifying the suspect material? If you speak with jeff dellinger, ask if HHB took compliance action against the onwer, demo contractor and/or the hauler and MRR. I'm not sure that they did anything other than send a letter addressing their concerns over how this material was handled, unless they dealt with the building owner and demo contractor under cover of a different letter.

jim barber

John Crowder wrote:

Mark
Jim B

I've discussed this with Robert and told him that I would get more info. before we proceed with additional compliance action. I'm going contact Jeff Dellinger and get a little more details.

BUT I we need to know if there were conditions in the permit as to the handling of asbestos....

If the permit conditions were specific enough I think we_* would*_ be obligated in proceeding with some type of compliance action.

_Robert

_I've faxed you a copy of the letter from the HHB.

Please pull the permit and review current conditions and let me know asap

thanks Robert

jc



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

February 18, 2005

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.
Modification #1: New franchise (revised service area and tonnage)
Wood waste processing area added

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 revised PTO addresses the change in service area and tonnage change at the Material Recovery facility in accordance with the franchise issued by Wake County dated 2 February 2004. Along with the franchise change a wood waste storage/processing area has been added and is located within the southern disposal area footprint, as shown on drawing No. 1 received on 19 April 2004. Note: the southern disposal area footprint has not been approved for waste disposal at this time.

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.

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone 919-733-0692 \ FAX 919-733-4810 \ Internet <http://wastenotnc.org>

Mr. Hector
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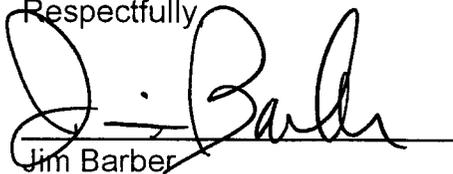
The CONSTRUCTION AND OPERATION conditions describe permitted fill areas, acceptable waste types, landfill operation, and requirements which must be satisfied prior to operation of the facility as a Construction & Demolition landfill. Specific requirements for groundwater monitoring and facility record 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: John Crowder
Robert Hearn*
Raleigh Central File: Wake County; 92-31 Permit File

PERMIT NUMBER: 92-31
DATE ISSUED(ptc): 01/31/03
DATE ISSUED(pto/cell A): 10/01/03
DATE ISSUED(pto/mod. #1): 02/18/05

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)
and
a 2 acre Wood Waste Processing Area (Southern Disposal Area)

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.


Donald J. Barber
Permitting Branch Supervisor
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
DATE ISSUED(PTO/mod. #1): 02/18/05

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.

- 2004?
5. The service area for this facility consists of the following counties: Chatham, Durham, Franklin, 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 1100 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 2 February 2004.

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.
- l. 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.
27. The processing of clean wood waste shall be in accordance with the approved operations plan as addressed in Appendix 6 - WOOD DEBRIS HANDLING AREA dated 16 April 2004 and the following conditions:
 - a. Any leachate generated at the facility shall be managed in such a manner that there will be no degradation of ground or surface waters.
 - b. The wood waste processing area shall be operated in such a manner that soil erosion and runoff from the site shall be controlled . Erosion and runoff control structures shall be in place and approved by the appropriate permitting agency and maintained in accordance with said approvals.
 - c. A 100-foot buffer shall be maintain, at a minimum, free of incoming waste and processed materials.

- d. Only materials specifically addressed in Appendix 6 of the permit application may be managed at the wood processing area. Any heat generation (composting) in any of the piles of processed material at the wood waste area will be considered a violation and shall result in the facility meeting all the requirements of Section .1400 of the Solid Waste Management rules within 90 days.
- e. Non-conforming waste received in the wood waste processing area or removed from the processed material shall be disposed of in the Northern Disposal Area of the permitted C&D landfill within 24 hours.
- f. Groundwater monitoring wells may be required, but not at this time, if there is indication of the potential for groundwater contamination.
- g. The wood waste processing area 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.
- h. The amount of waste received and the amount and type of products sold or otherwise distributed shall be reported to the Division of Waste Management by 1 August of each year for the time period of 1 July to 30 June.

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.

OPERATION:

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.
14. Modification #1: Letter dated 25 March 2004 requesting the use of soils off-site with less than 10ppm nitrate and addressing that soils with greater than 10ppm nitrate levels be utilized on-site.
15. Modification #1: New franchise approvals for Material Recovery, LLC, including affidavits from the Clerk to the Board of Commissioners, Ms. Gwendolyn I. Reynolds, dated 20 January 2004 and 2 February 2004 from the Wake Board of Commissioners. The franchise changes include adding Franklin County to the service area and increasing the daily disposal amount.
16. Modification #1: Addendum to the operations plan dated 16 April 2004, Appendix 6, addressing the management of wood waste at the Southern Disposal Area on a 2 acre area.

Subject: Re: ACM waste at Material Reclamation and Brownfield Road
From: Jim Barber <Jim.Barber@ncmail.net>
Date: Fri, 18 Feb 2005 16:15:23 -0500
To: Jeff Dellinger <Jeff.Dellinger@ncmail.net>, MARK POINDEXTER <MARK.POINDEXTER@ncmail.net>

*should we
take
compliance
action?*

Jeff;

Thanks for the information. Photo's would be helpful and if you have other information or descriptions of regulated materials that would be great.
jim barber

Jeff Dellinger wrote:

Jim:

To answer your questions.

The material identified was an asbestos skim coat (a decorative popcorn ceiling material).

The renovation started before the asbestos was discovered. Then we got involved.

I can talk to our staff members and see if we can forward some photo's of asbestos over to you and your staff.

Hope this helps.

jeff

Jim Barber wrote:

Mary and Jeff;

I have received a letter dated 11 Feb. 2005 from HHCUC concerning the management of a regulated ACM. The letter doesn't identify what the material consisted of, i.e. ceiling material, insulation, wallboard etc. I am curious to know why the material wasn't identified prior to being removed by the demo. contractor and/or identified by the firm contracted to survey the building. It would be helpful to SWS staff to know what the material is/was and what it looks like to be able to identify, if possible, at the site to know how to handle in the future. It would also be helpful to the permitting staff to know what type of material is suspect, just so examples can be passed onto applicants wanting to permit a recycling facility. The permitting staff and myself try to steer recycling applicants away from demolition type waste and get them to concentrate on new construction waste materials to hopefully avoid, as much as possible, the asbestos issue.
Thanks in advance for any additional information you can pass along.
jim barber

Subject: ACM waste at Material Reclamation and Brownfield Road

From: Jim Barber <Jim.Barber@ncmail.net>

Date: Fri, 18 Feb 2005 13:47:50 -0500

To: Jeff Dellinger <Jeff.Dellinger@ncmail.net>, Mary Giguere <Mary.Giguere@ncmail.net>, MARK POINDEXTER <MARK.POINDEXTER@ncmail.net>

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cc: steen & Robin
include receipts
show progress



North Carolina Department of Health and Human Services
 Division of Public Health • Epidemiology Section
 1912 Mail Service Center • Raleigh, North Carolina 27699-1912
 Tel 919-733-0820 • Fax 919-733-8493

CP
 92-31
 J. W. FIELDS
 G. D. CROFT
 D.H. GRIFFIN
 RECLAMATION FACILITY

Michael F. Easley, Governor

Carmen Hooker Odom, Secretary

February 11, 2005

**CERTIFIED MAIL
 RETURN RECEIPT REQUESTED**

Mr. Dail H. Griffin, Jr., Vice President
 D. H. Griffin Wrecking Company, Inc.
 4700 Hilltop Road
 Greensboro, North Carolina 27407

Mr. James L. Blackwood, II, Organizer
 D.H. Griffin Reclamation Co., LLC
 108 Commerce Place
 Greensboro, North Carolina 27401

Subject: Regulated Asbestos-Containing Building Material
 Material Reclamation Center, 421 Raleigh View Road
 Raleigh, North Carolina



Dear Sirs:

The Health Hazards Control Unit (HHCU) has determined that Waste Industries delivered 25,380 pounds of asbestos-containing building material and asbestos-contaminated debris from the Clarion Hotel in Raleigh to your facility, the Material Reclamation Center in Raleigh, during the month of December 2003. According to your employees at the Material Reclamation Center, they were not aware that this waste contained asbestos and because it was not recyclable the waste was transported to your Brownfield Road C&D landfill for disposal. Since this waste had not been properly identified as asbestos containing waste by your staff, personnel at both facilities were placed in a situation where they were potentially exposed to airborne asbestos fibers while handling this waste.

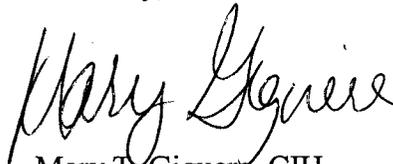
As a result of the magnitude of this situation, the HHCU requests that you revise your operational plan to prevent this event from occurring again. A copy of this revised plan should be submitted to the HHCU and the Division of Solid Waste Management within thirty days of receipt of this letter. In addition, the HHCU recommends that you contact your employees who may have been exposed to the regulated asbestos-containing material at both facilities and advise them of what took place and the potential health effects associated with exposure to asbestos.

Mr. Griffin
Mr. Blackwood
February 11, 2005
Page 2

To assist you in this process, enclosed is a copy of the, "Guidelines for Handling Asbestos-Containing Building Materials at C&D Recycling Centers in North Carolina". When handling asbestos containing building material, only personnel that are properly trained and accredited should be utilized. These individuals should have access to appropriate personal protection equipment, and follow proper asbestos work practices and disposal requirements.

If you have any questions concerning this letter or the recommendation made, please contact Danny Lineback of my staff, at (919) 733-0820.

Sincerely,



Mary T. Giguere, CIH
Manager
Health Hazards Control Unit

MG/dgl

Enclosure

cc: Chris Roof, Brownfield Road C& D Landfill
Jim Barber, NC Division of Solid Waste Management
Mark Poindexter, Field Operations Supervisor of NC Division of Solid Waste Mgmt.

92-31

ROBERT HEARN

Subject: WCA Waste Corporation Signs a Definitive Agreement to Acquire Two North Carolina Landfills

Date: Tue, 18 Jan 2005 14:15:05 -0500

From: Geof Little <geof.little@ncmail.net>

To: Jim Barber <Jim.Barber@ncmail.net>

FYI:

http://biz.yahoo.com/bw/050118/185994_1.html

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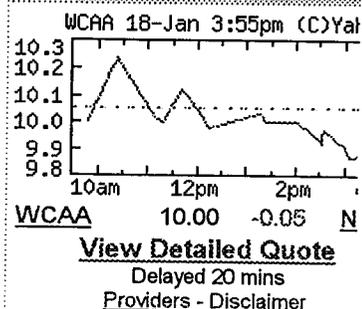
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Press Release

Source: WCA Waste Corporation

WCA Waste Corporation Signs a Definitive Agreement to Acquire Two North Carolina Landfills

Tuesday January 18, 1:48 pm ET

HOUSTON--(BUSINESS WIRE)--Jan. 18, 2005--WCA Waste Corporation (Nasdaq:[WCAA](#) - [News](#)) announced today that it has signed a definitive agreement to acquire two landfills, two transfer stations and two material recovery facilities from MRR Southern, LLC. The acquisition expands the Company's presence into the Raleigh/Durham and Winston-Salem/Greensboro market areas. The acquisition is expected to close during the first quarter.

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The operations located in Raleigh consist of a 211-acre landfill that is permitted to accept construction and demolition debris, a transfer station and a transfer station/material recovery facility feeding the landfill. The landfill currently has in excess of eight million cubic yards of airspace with additional expansion capability.

The 154-acre landfill and material recovery facility located in High Point, North

Related News Stories

- [WCA Waste Corporation Announces the Acquisition a Missouri Landfill and Collection Company](#) - Business Wire (Wed Jan 12)
- [WCA WASTE CORP Files SEC form 8-K, Entry Mater Agreement, Financial Obligation Matter](#) - EDGAR Online (Tue Dec 28)
- [WCA WASTE CORP Files SEC form 8-K, Entry Mater Agreement, Sale of Equity, Financial Statements and Exhibits](#) - EDGAR Online (Mon Dec 6)
- [WCA Waste Corporation Announces the Acquisition Trash-Away, Inc.](#) - Business Wire (Wed Dec 1)

[Mor](#)



located in High Point, North Carolina, service the Winston-Salem and Greensboro market. The

landfill has approximately 4.7 million cubic yards of airspace remaining that is permitted to accept construction and demolition debris.

WCA Waste Corporation is an integrated company engaged in the transportation, processing and disposal of non-hazardous solid waste. After the closing of this acquisition, the Company's operations will consist of seventeen landfills, thirteen transfer stations, two material recovery facilities and twenty collection operations located throughout Alabama, Arkansas, Kansas, Missouri, North Carolina, South Carolina, Tennessee and Texas. The Company's common stock is traded on the NASDAQ National Market System under the symbol "WCAA."

Safe Harbor for Forward-Looking Statements

This press release contains statements that are forward-looking statements within the meaning of Section 27A of the Securities Act of 1933 and Section 21E of the Securities Exchange Act of 1934. From time to time, our public filings, press releases and other communications (such as conference calls and presentations) will contain forward-looking statements. These forward-looking statements can generally be identified as such because the context of the statement will include words such as "may," "will," "should," "outlook," "project," "intend," "seek," "plan," "believe," "anticipate," "expect," "estimate," "potential," "continue," or "opportunity," the negatives of these words, or similar words or expressions. Similarly, statements that describe our future plans, objectives or goals are also forward-looking statements. This is true of our description of our acquisition strategy for example. Such statements include, but are not limited to, statements about the benefits of the acquisition described in this release, including plans, objectives, expectations and intentions and other statements that are not historical facts. Such statements are based upon the current beliefs and expectations of WCA's management and are subject to significant risks and uncertainties. Some of those risks and uncertainties have been more fully described in "Risk Factors and Cautionary Statement about Forward-Looking Statements" in our Quarterly Report on Form 10-Q with respect to the quarterly period ending on September 30, 2004. The risks and uncertainties include, without limitation: any weakness in the economy related to our markets may result in reductions in demand for the Company's services, we may not be able to integrate acquired businesses successfully, revenue and other synergies from the acquisition may not be fully realized or may take longer to realize than expected, we may not be able to improve internalization rates by directing waste volumes from acquired businesses to our landfills for regulatory or other reasons, we may suffer unexpected liabilities associated with our acquisitions, disruptions from the acquisition may make it more difficult to maintain relationships with customers, potential increases in commodity, insurance and fuel prices could increase our operating expenses significantly and we face the risk of new and changing regulation. Please consider these factors carefully in evaluating the forward-looking statements and do not place undue reliance on such forward-looking statements. The forward-looking statements made herein are only made as of the date of this press release and the Company undertakes no obligation to publicly update such forward-looking statements to reflect subsequent events or circumstances.

Contact:

WCA Waste Corporation, Houston
Tommy Fatjo, 713-292-2400

Source: WCA Waste Corporation

- By industry: [Construction](#), [Environmental](#), [Real estat](#)

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- [Ebbers Judge Blocks Enro Testimony](#) - Associated Press (12:36 p
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- [World's Largest Passage Plane Unveiled](#) - Associated Press (1:33 pm)

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