

| Permit No. | Date | DIN |
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| P1227 | January 5, 2011 | 12639 |

RECEIVED

December 30, 2010

Solid Waste Section

Asheville Regional Office

Recycled Fuel Facility Transfer Station Application

Prepared for
FCR, LLC
809 West Hill Street
Charlotte, North Carolina 28208
December 29, 2010



A handwritten signature in blue ink that reads "Scott L. Brown" with a horizontal line extending to the right.

Scott L. Brown, P.E.

North Carolina Professional Engineer License No. 026435

North Carolina Board of Examiners for
Engineers and Surveyors
License No. F-0785



309 East Morehead Street, Suite 160
Charlotte, North Carolina 28202

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Section 1

General Information

This Permit Application has been developed for the Recycled Fuel Facility (RFF) located in Mecklenburg County, North Carolina. The format of the application is consistent with the draft Guidance Document provided. This Operations Plan has been prepared in accordance with the North Carolina Solid Waste Rules 15A NCAC 13H.0402, Operational Requirements for Transfer Facilities. The Operations Plan addresses pertinent operational requirements outlined in Rule .0505, Operational Requirements for Sanitary Landfills.

The purpose of the Operations Plan is to provide the operator, FCR, LLC (FCR) with a manual that includes the necessary information and procedures to properly operate the RFF in accordance with all applicable rules and regulations. This manual will serve as a guide to safely maintain and operate the RFF. The Operational Plan will address the following issues:

- Waste acceptance criteria
- Facility operations
- Erosion control requirements
- Drainage control and water protection
- Disease and vector control
- Sign and safety requirements and
- Access and security requirements

The Applicant for this Permit Application is:

FCR, LLC
Ron Cobb, Manager of Permits and Compliance
809 West Hill Street
Charlotte, North Carolina 28208
(704) 697-2003
Ron.Cobb@CASELLA.COM

The Contact for this Permit Application is:

FCR, LLC
Ron Cobb, Manager of Permits and Compliance
809 West Hill Street
Charlotte, North Carolina 28208
(704) 697-2003
Ron.Cobb@CASELLA.COM

The Landowner for this Permit Application is:

ReVenture Park Investments I, LLC
Jason K. Bria, General Counsel
5320 Old Pineville Road
Charlotte, North Carolina 28217
(704) 364-9100
jbria@forsiteinc.com

The Engineer for this Permit Application is:

Brown and Caldwell
Scott L. Brown, PE
309 East Morehead Street
Suite 160
Charlotte, North Carolina 28202
(704) 373-7127
sbrown@brwncald.com

The contact to receive permit fee invoices and annual fees for this Permit Application is:

FCR, LLC
Ron Cobb, Manager of Permits and Compliance
809 West Hill Street
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(704) 697-2003
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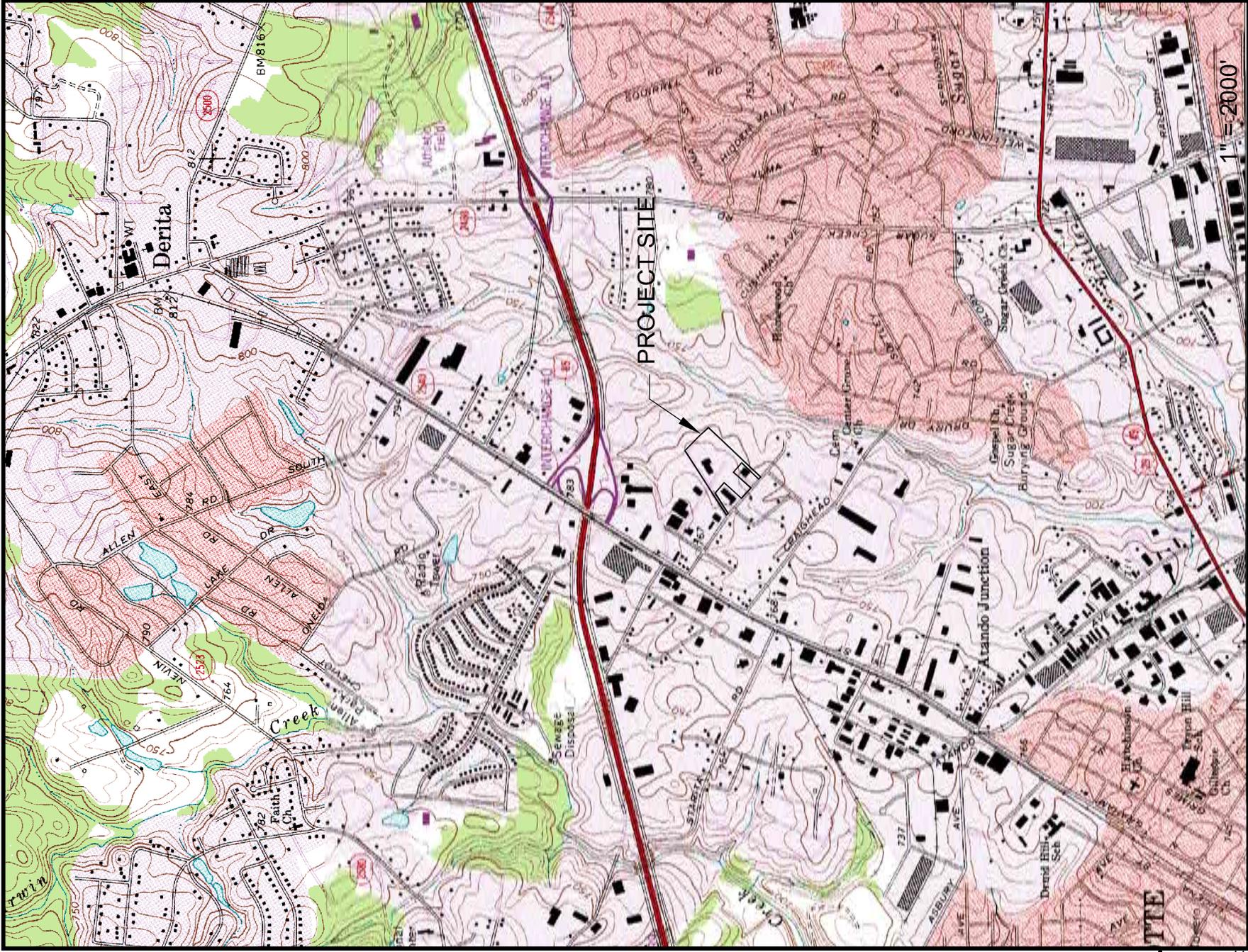
Section 2

Property Information and Maps

The Recycled Fuel Facility (RFF) is located in the city of Charlotte in Mecklenburg County on Amble Drive approximately 0.04 miles southeast of Graham Street/US-29/NC-49. The mailing address for the RFF is 1200 Amble Drive, Charlotte, North Carolina. Figure 1 provides a location map for the RFF on a USGS topographical quadrangle map. The RFF site (Parcel ID # 087-092-05) consists of 16.93 acres. The site has not been used as a solid waste management facility in the past. A legal description of the property and a complete copy of the current land deed is located in Appendix A. The property is currently under contract to be purchased by ReVenture Park Investments I, LLC

The facility property is zoned by the City of Charlotte as General Industrial (I-2) which is suitable for the development of a transfer station under the prescribed conditions of Charlotte Zoning Ordinance Section 12.536. A zoning determination letter from the City of Charlotte Zoning Administrator is located in Appendix B.

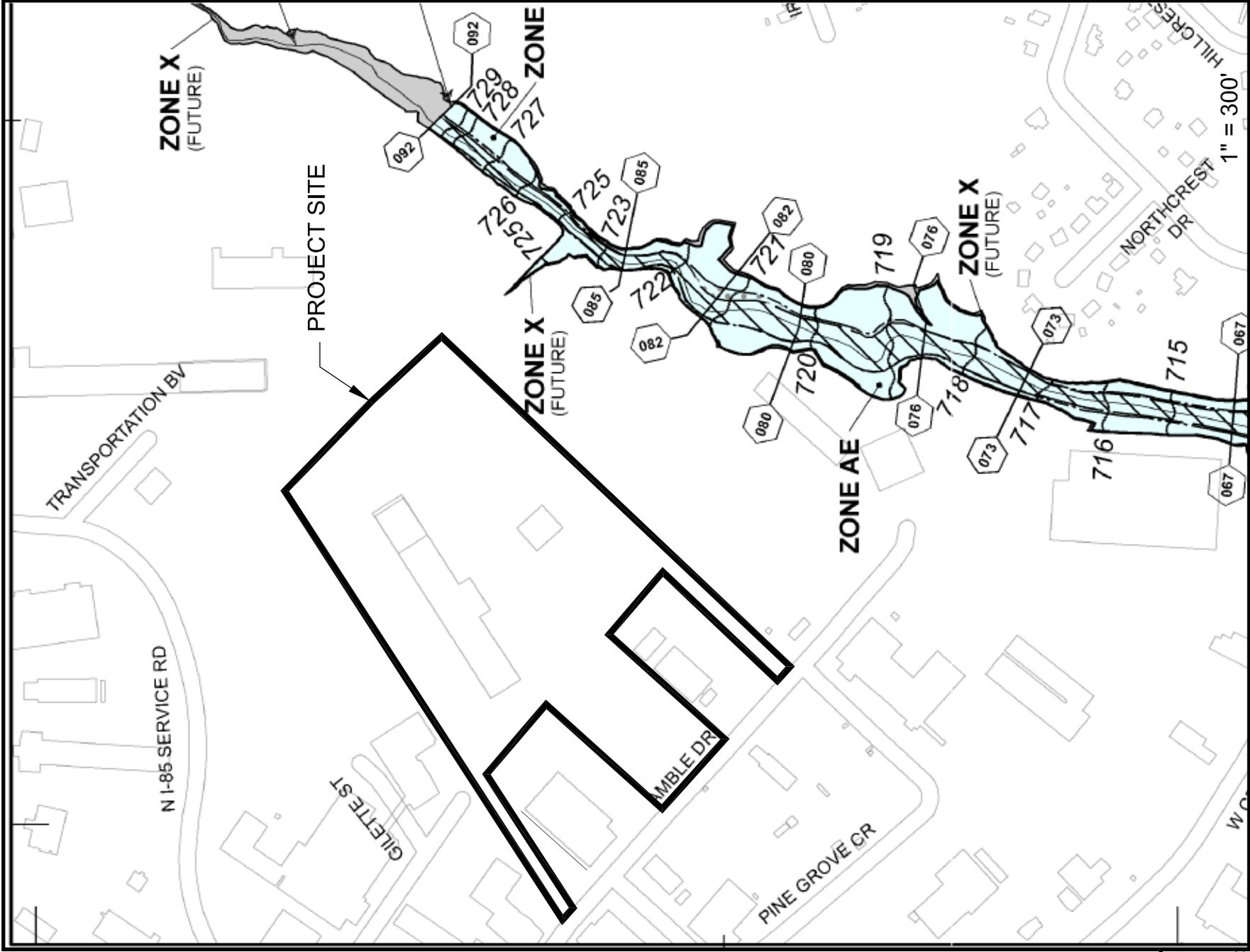
The site has previously been used as a trucking terminal and the re-development of the site will not impact wetlands. Figure 2 is a copy of the FEMA Flood Insurance floodplains map for the area with the site property marked on the map. The re-development is not located in a floodplain.



M-D-Y Tonyc 0000-000

**BROWN AND
CALDWELL**

Figure 1
USGS QUADRANGLE MAP
DERITA QUAD, NORTH CAROLINA



M-D-Y-Tony 0000-000

Figure .2
 FEMA FLOOD INSURANCE RATE MAP
 MAP No. 3710456500J

**BROWN AND
 CALDWELL**

Section 3

Operation Plan

3.1 FACILITY DESCRIPTION

The RFF consists of a tipping and processing building, including an office and break room, tipping building apron, two scales, a scalehouse, and access roads. The proposed building consists of a single level tipping floor with six (6) bay doors. Incoming vehicles back into one of the six (6) open bays along the west side of the building. A loading area houses a grade separation design for open top transfer trailers to be staged for loading from the top. The discharged waste will be sent into a highly automated and efficient sorting and separation process including fiber separator, optical sorter, magnet, and eddy current separator, among others. The material will be sorted into segregated recyclables, recyclable inert material, non-processable materials, waste residues and engineered fuel. The engineered fuel will be produced in both a non-densified and densified form in which it will undergo a mechanical pressure process, without external heat added.

The building has metal panel walls on the west, south and east sides, with the exception of the area where concrete push walls extend from the lower portion of the exterior wall. The north side of the building has six (6) open bays for incoming waste vehicles, an open bay for transfer vehicles (transfer grade separation) and an open bay for recyclable materials. Each bay is equipped with a roll-up door. Natural light is sufficient for normal operations; therefore, a loss of power will affect processing ability, however it will not affect contingency transfer activities. Translucent skylight panels may be used to replace a select number of the metal roof panels of the tipping building to enhance the interior lighting.

The washwater/leachate storage and handling system includes trench drains for collection of leachate and washwater. These drains are located along the entrances to the tipping floor. In addition, a sump is located in the transfer area for the collection of any liquids which may accumulate during normal operations. Washwater/leachate is discharged into sewer line located along the western property boundary.

The scalehouse is equipped with two (2) incoming scales and one (1) outbound scale. A complete set of site plan drawings including architectural structural and plumbing drawings which provide plan and sectional views of the tipping floor and load out area will be provided.

3.2 WASTE ACCEPTANCE CRITERIA

In accordance with 15A NCAC 13B.0402(1), a transfer facility shall only accept those wastes which it is permitted to receive. The RFF shall accept municipal solid waste (MSW) (i.e., residential, commercial and industrial waste), silviculture waste, yard waste, and construction and demolition (C&D) waste generated within Mecklenburg County, Union County, Cabarrus County, Gaston County, Iredell County, and Lincoln County. The daily tonnage rate is subject to change due to fluctuations in the amount of waste delivered to the facility on any given day and seasonal fluctuations. Therefore, the RFF has been designed to handle a maximum average tonnage rate of 2,200 tons per day or 575,000 tons per year.

3.3 RECYCLEABLE MATERIAL

Waste from the tipping floor will be sent into a highly automated and efficient sorting and separation process including fiber separator, optical sorter, magnet, and eddy current separator, among others. The

material will be sorted into segregated recyclables, recyclable inert material, non-processable materials, waste residues and engineered fuel. The engineered fuel will be produced in both a non-densified and densified form in which it will undergo a mechanical pressure process, without external heat added.

The RFF will store recyclable materials in the facility until the recyclables can be sent to market. The recyclables include newspaper, plastic bottles, cardboard, aluminum and bimetal cans and glass containers at a minimum. The recyclable products are stored until they can be shipped to market.

3.4 PROHIBITED WASTES

In accordance with Rule .0505(10)(e), the RFF will not accept barrels and drums unless they are empty and perforated sufficiently to ensure that no liquid or hazardous waste is contained in them. In accordance with Rule .0545(11)(b), no hazardous or liquid waste shall be accepted at the RFF. In addition, the RFF will not accept infectious waste, medical waste, animal waste, animal carcasses, sludge, or radioactive waste. A report shall be prepared for any attempted delivery of waste of which the RFF is not permitted to receive, including waste from outside the permitted RFF service area. The report will be forwarded to:

Department of Environment and Natural Resources
NC Division of Waste Management
Solid Waste Section
1646 Mail Service Center
Raleigh, North Carolina 27699-1646
(919) 508-8400

3.5 OPERATIONS

The RFF will accept waste from licensed and permitted vehicles at a maximum, Monday through Saturday (6:00 am to 8:00 pm) unless an emergency situation occurs. Processing and maintenance may occur as much as 7 days a week, 24 hours a day. A sign is posted at the entrance to the RFF identifying the hours of operation. The facility will only accept material from permitted entities. The operator shall provide properly trained personnel for daily operations of the RFF.

The RFF facility will be operated in two distinct phases that at times may overlap: Phase I operation without the ReVenture Park Energy Recovery Facility but will have Off-take Agreement(s) and Phase II operation with both ReVenture Park Energy Recovery Facility operation and Off-take Agreement(s).

3.5.1 TIPPING FLOOR OPERATIONS

Collection vehicles delivering waste to the facility shall enter the facility via the main entrance off Amble Drive and are required to be weighed via the scales. Once vehicles have passed the scalehouse area, they will continue along the access road until reaching the tipping building apron at the RFF. The tipping building apron provides access to the west side of the RFF, which opens to the approximately 62,500 square foot tipping floor.

The RFF attendant shall direct vehicles waiting to unload, to back into the facility through the west entrance. The vehicles will back onto the tipping floor to an area designated by the attendant. Once the vehicle is in position the waste load will be discharged directly on the tipping floor. The equipment operator will inspect the discharged waste before it is mixed with other waste on the tipping floor.

The discharged waste will be sent into a highly automated and efficient sorting and separation process including fiber separator, optical sorter, magnet, and eddy current separator, among others as generally depicted in Appendix C. The material will be sorted into segregated recyclables, recyclable inert material, non-processable materials, waste residues and engineered fuel. The engineered fuel will be produced in

both a non-densified and densified form in which it will undergo a mechanical pressure process, without external heat added.

The lower pit area for open top loading has been designed to provide sufficient space for drivers to exit their vehicles and to walk to safety in the event of an emergency. Once the transfer trailer has been completely loaded the vehicle will be weighed and subsequently driven to the final destination for proper disposal.

A loading dock area will also be available for loading materials into the rear of transport trucks.

The tipping floor and transfer pit shall be cleaned at the end of each operating day. The current design indicates that washwater will be collected by trench drains located on the upper level and sump located in the pit area on the lower level of the transfer station. The system effectively collects leachate separately from stormwater. The washwater and leachate is directed to the local POTW transmission line.

3.5.2 PROCESSING OPERATIONS

The RFF, by employing state of the art sorting and separation technologies, will significantly increase the material recovery and recycling, which is further enhanced by the manufacturing of the engineered fuel. Together, the material recovery rate may reach up to 85 percent. Compared to the traditional model, the advanced RFF will divert as much as 420,900 tons per year of material from landfill, resulting in savings of up to 1.3 million cubic yard (or 10 acres) of landfill space per year.

As a result of increased material recycling, engineered fuel production and renewable electric power generation (from ReVenture Park Energy Recovery Facility), significant environmental benefits are created.

It is anticipated that in the first few years of the RFF operation, the ReVenture Park Energy Recovery Facility will not be ready to take the engineered fuel. Even after the ReVenture Park Energy Recovery Facility is fully commissioned and operational, there may also be occasions in which it does not accept the engineered fuel, such as when the facility undergoes scheduled or nonscheduled shutdown for updates, repair, or maintenance. In such circumstances, the engineered fuel will be delivered to Converse and Company and marketed to a third party as hydrocarbon substitution. Converse is one of the largest coal brokerage firms in the Southeast and has multiple utilities willing to purchase the engineered fuel.

During normal operations, the residual inert material, waste residues and non-processable waste will be disposed of at a properly permitted landfill. The developer is currently negotiating with several properly permitted landfills to serve as a contingency in the event of an unforeseen circumstance.

The majority of the engineered fuel will be shipped to the ReVenture Park Energy Recovery Facility located nearby the RFF. Any excess engineered fuel will be taken to Converse and Company and be used for third party consumption as a hydrocarbon substitution fuel (e.g. coals) i.e. under an Off-take Agreement.

3.5.3 TEMPORARY TIPPING FLOOR OPERATIONS - CONTINGENCY

In event of unavoidable circumstances such as extended period of power outages in which the RFF cannot operate, and the inbound waste is beyond the amount of the facility's maximum contingency allowed storage capacity, the inbound waste will be redirected and sent directly to a contracted properly permitted landfill. Maximum contingency storage capacity is defined as 24 hours of incoming waste.

In the event that the processing equipment is inoperable for a period in excess of 48 hours, in addition to redirecting waste as discussed above, the facility will temporarily transfer waste from the tipping floor

directly into open-top transfer. The loading of these vehicles will be done in a designated area of the building ensure safe and efficient operations.

3.5.4 INSPECTION OF WASTES

Access to the facility is controlled by the facility/scale operator located at the entranceway to the facility. All material entering the facility must pass the scalehouse prior to entering the tipping floor area. As waste is deposited unto the tipping floor an employee will conduct a visual screening of the waste materials. Should unacceptable waste be found, the driver of the vehicle will be instructed to terminate dumping and the unacceptable material will be reloaded into the vehicle for removal off the site. Waste collection agreements for each of the waste delivery accounts will aid in accountability for the different trailers utilizing the site. Should a hauler consistently deliver unacceptable material, they will be denied further access to the transfer station, and the local office of DENR will be notified so that appropriate investigations can occur. In addition, all actions as specified in Section 3.2 will be strictly adhered to by the Facility Operator and its employees.

3.5.5 TRAFFIC CONTROL

Access to the transfer station is controlled by the facility/scale operator. All vehicles arriving at the facility are directed to the tipping floor area by the scale operator after their weight is recorded. The site attendant directs the vehicle to the unloading area as outlined in Section 3.5.1. After depositing the waste, those vehicles that do not have tare weights previously recorded are required to re-weigh upon exiting the facility. The flow of traffic is aided by directional signs. At no time will incoming vehicles waiting in line be allowed to queue onto public highways.

3.5.6 TRAFFIC STUDY

A traffic study, which is located in Appendix D has been performed by Kimley-Horn and Associates, Inc. It will be reviewed by the Charlotte Department of Transportation.

3.5.7 HOUSEKEEPING AND LITTER CONTROL

All incoming vehicles with waste are required to have their loads tarped upon arrival at the site or be fully enclosed. Outbound transfer trailers are also required to tarp their loads. Throughout the day and at the end of each day, facility personnel will police the area for any wind blown litter. Since the transfer station is enclosed, wind blown trash should not be a major operational concern. Any wind blown trash discovered at the end of an operating day shall be collected and stored in a transfer trailer vehicle or an on-site trash bin.

3.5.8 WATER PROTECTION REQUIREMENTS

In accordance with Rule.0505 (b) (c), the RFF shall be operated so as to prevent ponding water from coming in contact with discharged waste, and to contain and properly discharge collected leachate. The tipping floor and transfer pit will be emptied and cleaned at the end of each operating day. Walls and beams shall be kept clean. The upper level trench drains and lower level sump(s) shall properly collect any washwater/leachate generated and minimize areas of ponding water within the RFF. The tipping floor of the RFF is sloped towards the trench drains located along the western side of the concrete floor slab. The floor drains collect any wash water/leachate generated from washing the tipping floor during and after daily operations. The trench drains connect to a sewer line which travels along the upper level toward the western corner of the building. In the southwest portion of the property, the sewer line travels to a 1,000 gallon polyethylene holding tank. The RFF lower level contains the pit area for transfer-trailer vehicles. The pit is provided with a sump.

A portable pump will be used to drain the sump into the 1,000 gallon polyethylene holding tank. The 1,000 gallon polyethylene holding tank is protected from overflow by a visual alarm and weekly visual inspection of tank. Visual inspections shall be logged and maintained by RFF Supervisor. Leachate is pumped as necessary to the City of Charlotte POTW for treatment through the local sewer system.

3.5.9 DISEASE AND VECTOR CONTROL

In accordance with Rule .0505(12) (0), the operator shall provide effective vector control measures for the protection of human health and the environment. Disease vectors are defined as any rodent, flies, mosquitoes, or other animals, including insects, capable of transmitting disease to humans.

Control of disease vectors will be maintained by implementation of a daily cleaning program which involves removal of waste, leachate, and washwater from the facility operating areas. The removal of waste at the end of each operating day protects against migration of vectors into and from the RFF. The operator uses wash water to keep the tipping floor and drive-thru areas clean and free from rodents, flies, and other animals. The operator may also use deodorizers and paint as needed to accomplish these goals. Stagnant ponding water shall be prevented from occurring to control mosquito breeding. If problems controlling disease vectors occur, county mosquito control or a licensed exterminator shall be employed to control vectors.

3.5.10 ODOR CONTROL

The first step in odor control is to process the material received on the tip floor on a daily basis. In doing this, the floor will be cleaned daily at the close of business, also ensuring that the first material received is processed first, therefore minimizing the time the material is stored.

To control the release of odor, the building will be designed to create negative pressure in the tipping and processing area of the RFF. The negative pressure will be created by a series of fans and duct work sized and placed appropriately throughout the RFF. The air processed through the fans and duct work will ultimately be processed through a wet scrubber, bio-filter, or other odor control system before being released to the outside environment.

The processing area will be separated as much as possible from the tipping area. This will minimize the flow area through which air can enter the entire building. The material delivery doors in the tipping area will be closed except to receive waste.

Personnel of the facility will physically monitor outside the facility for odor during operations. A hotline in the unlikely event of an odor release will be created. This will allow facility personnel the ability to respond in a timely manner if an odor event occurs. All duct work will be monitored daily but also will receive further scrutiny two (2) times per year for leaks. Any leaks will be fixed as soon as they are found. The air treatment system will be maintained as recommended by the manufacturer and as deemed necessary to minimize odor releases.

3.5.11 SIGN REQUIREMENTS

In accordance with Rule .0505(9)(a)(b)(c), the operator will posts signs at the RFF entrance indicating operational procedures, hours of operation, tipping fee, and the permit number. Signs shall remain clearly posted stating no hazardous or liquid waste can be received. Traffic signs and markers are provided as necessary to promote an orderly traffic pattern to and from the discharge area and to maintain efficient operating conditions.

3.5.12 OPEN BURNING OF WASTE

In accordance with Rule .0505(10) (a), open burning of waste is prohibited at Transfer Stations.

3.5.13 FIRE PROTECTION EQUIPMENT

In accordance with Rule .0505(10) (b), fire suppression equipment is provided to control accidental fires and arrangements have been made with the local fire protection agency to immediately provide fire-fighting services when needed. The RFF building is equipped with automatic sprinkler system as required by local Code Enforcement and an appropriate number of fire extinguishers to effectively extinguish incipient fires.

3.5.14 NOTIFICATION OF FIRE

In accordance with Rule .0505(10)(e), fires that occur at the RFF require verbal notice to the Division of Waste Management within 24 hours and written notification shall be submitted within 15 days. Verbal and written notification shall be submitted to the Environmental Senior Specialist:

Department of Environment and Natural Resources
NC Division of Waste Management
Solid Waste Section
1646 Mail Service Center
Raleigh, North Carolina 27699-1646
(919) 508-8400

3.5.15 ACCESS AND SECURITY

In accordance with Rule .0505(8) (a), the RFF shall be secured by means of gates, chains, berms, fences, and other security measures approved by the Division of Waste Management to prevent unauthorized entry. All vehicles delivering waste to the RFF will enter and exit through the access control gate. Unauthorized vehicle access to the facility is prevented by a chain-link fence surrounding the RFF property.

3.5.16 ATTENDANT

In accordance with Rule .0505(8) (b), the RFF shall have a fulltime facility/ scale operator located in the scale house during operating hours. In addition, the RFF Attendant shall be at the facility at all times during operating hours. Both the Scale Operator and RFF Attendant are responsible for verifying that all vehicles comply with the permitted operational requirements.

Operator and attendant shall maintain certification, NC-SWANA Certified Transfer Station Operations Specialist

3.5.17 ACCESS ROAD

In accordance with Rule .0505(8) (c), the access roads for the RFF are constructed of an all-weather surface (asphalt or concrete) and shall be maintained in good condition by the land owner. Potholes, ruts, and debris on the roads shall receive immediate attention in order to avoid damage to the vehicles.



Section 4

Sediment and Erosion Control Plan

The RFF will develop and permit a site-specific erosion and sedimentation control plan consistent with the requirements of the North Carolina Sedimentation and Pollution Control Act and Administrative.



Section 5

Financial Assurance

This will be provided by FCR, LLC.



Section 6

Signature Pages

A signature page for the Applicant is located in Appendix E.



Section 7

Engineering Drawings

Engineering Drawings are being developed. However, a Site Plan can be found in Appendix F.

Section 8

Limitations

This document was prepared solely for FCR, LLC in accordance with professional standards at the time the services were performed and in accordance with the contract between FCR, LLC and Brown and Caldwell dated December 21, 2010. This document is governed by the specific scope of work authorized by FCR, LLC; it is not intended to be relied upon by any other party except for regulatory authorities contemplated by the scope of work. We have relied on information or instructions provided by FCR, LLC and other parties and, unless otherwise expressly indicated, have made no independent investigation as to the validity, completeness, or accuracy of such information.

Appendix A: Legal Description of Property

BK: 08476 PG: 0057/0061 #:0521 16.00
- *** NC EXCISE TAX: 4020.00 ***
JUDITH A GIBSON REG OF DEEDS MECK NC
FILED FOR REGISTRATION 02/28/96 16:49

Excise Tax: \$4,020.00

HECKLENBURG COUNTY

This instrument was prepared by
and after recording return to:



4020.00



FEB 28 1996

Real Estate
Excise Tax

Stephen C. Mixter, Esq.
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

SPECIAL WARRANTY DEED

087-092-05

THIS DEED, made this the 23rd day of February, 1996, from SERVICES DEVELOPMENT CORPORATION, a Delaware corporation, having an address at P.O. Box 5532, Akron, Ohio 44334-0532 (the "Grantor"), to ROADWAY EXPRESS, INC., a Delaware corporation, whose principal address is 1077 Gorge Boulevard, Akron, Ohio 44309 (the "Grantee");

WITNESSETH, that the Grantor, for and in consideration of TEN DOLLARS (\$10.00) and other valuable consideration paid by the Grantee, the receipt and sufficiency of which are hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all those certain premises situated in the City of Charlotte, Mecklenburg County, North Carolina and more particularly described on Exhibit A attached hereto and made a part hereof by this reference, together with all appurtenant rights, privileges and easements thereunto belonging (all of the foregoing hereinafter referred to as the "Premises").

TO HAVE AND TO HOLD the aforesaid Premises and all privileges and appurtenances thereto belonging to the Grantee in fee simple forever.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title in the Premises is subject to the following exceptions:

1. Taxes, dues and assessments for the year 1996, and subsequent years, which are not yet due and payable;
2. Matters which would be disclosed by a current and accurate survey and inspection of the land;

04010

Renee A. Grey
Notary Public

My commission expires: 4-6-96

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 MECKLENBURG COUNTY

By _____ Deputy/Assistant-Register of Deeds.

008473-000050

BEGINNING at an iron in the northeasterly edge of Amble Drive, said iron marking the southernmost corner of the property described in the aforesaid Deed recorded in Book 2863 at Page 371 of the Mecklenburg Public Registry and running thence with said edge of Amble Drive, N 51-22 W 50.02 feet to an iron; thence N 40-03 E 414.94 feet to an iron; thence S 51-22 E 50.02 feet, more or less, to a point in the southeasterly line of the property described in the aforesaid Deed recorded in Book 2863 at Page 371 of the Mecklenburg Public Registry; thence with said line S 40-03 W 414.94 feet to the point or place of BEGINNING.

BEING the same property conveyed to Truck Service & Supply Co., Inc. by Deed from Truck Terminal Realty Co., dated July 12, 1970, recorded in Book 3202 at Page 177, Mecklenburg Public Registry.

4438476-00064

RE/SERVICES.LBO

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of Renee A. Irely

Notary (ies) Public is/are certified to be correct.

This 28th day of February, 19 96

JUDITH A. GIBSON, REGISTER OF DEEDS

By: [Signature] Deputy Register of Deeds

Appendix B: Zoning Letter



CHARLOTTE

December 3, 2010

Mr. Jason K. Bria
General Counsel
Forsite Development, Inc.
5320 Old Pineville Road
Charlotte, NC 28217

Re: 1200 Amble Drive
Mecklenburg Tax Parcel Number: 087-092-05

Dear Mr. Bria:

This correspondence will serve as an interpretation letter for a proposed development of a Refuse Derived Fuel (RDF) processing center at the above referenced property. The property is currently zoned General Industrial (I-2).

Based on an email from you dated November 22, 2010, the primary purpose of the facility will be to receive municipal solid waste such as trash and garbage and process it into recycled fuel. You identified the facility as a hybrid of a recycling center and a waste transfer station.

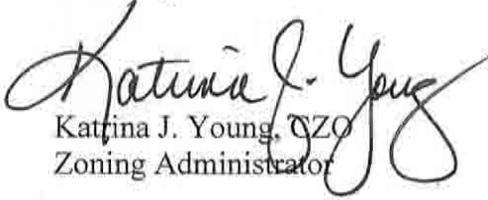
The Charlotte Zoning Ordinance in Code Section 9.1103(48) lists Solid Waste Transfer Stations as a use permitted under prescribed conditions in an I-2 zoned district. The prescribed conditions for the solid waste transfer station may be found in Code Section 12.536 of the Ordinance.

Code Section 2.201 of the Ordinance defines solid waste as any hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations.

Per the City of Charlotte Zoning Ordinance, Section 5.103, aggrieved parties may appeal this decision by filing a notice of appeal with the Board of Adjustment within thirty (30) days. Forms are available and shall be filed at the Charlotte-Mecklenburg Planning Commission's offices located at 600 East Fourth Street. The Planning Department is located on the 8th floor of the Government Center. If the thirty-day deadline has passed and an appeal application has not been properly filed, then the Board shall have no jurisdiction to hear an appeal of this notice. Any rights of appeal shall be been forfeited.

Should you have any questions or comments about this matter, please do not hesitate to call me at 704.336.3571.

Sincerely,


Katrina J. Young, TZO
Zoning Administrator

Attachment: City of Charlotte Zoning Ordinance Code Section 12.536

CHARLOTTE CODE

PART 5: SPECIAL REQUIREMENT FOR CERTAIN USES

water management systems will be controlled so as to minimize to the greatest extent reasonable the probability of contamination by medial waste.

Section 12.526. Solid Waste Transfer Stations.

A solid waste transfer station is a facility, which receives and temporarily stores solid waste as defined by this ordinance at a location other than the generation site, and which facilitates the transfer of accumulated solid waste to another facility for further processing or disposal. This term does not include recycling centers or portable storage containers used for the collection of municipal waste.

Solid waste transfer stations may be established in the General Industrial (I-2) district subject to the requirements of this section:

- (1) Applications for a solid waste transfer station must be submitted to Engineering and Property Management which will consider and determine entitlement to the permit based upon the regulations contained in this Section. Before a decision is rendered there shall be a notification period and public forum as described in Section 4.106. Public notification process for certain land uses. Application for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to Engineering and Property Management which will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.
(Petition No. 2005-78, § 12.526(1), 06/20/05)
- (2) Minimum site size is 10 acres.
- (3) All on-site processing and transferring of solid waste will be conducted entirely within an enclosed building(s). An enclosed building for these purposes is one in which the walls, doors and roof are made of solid materials but may contain windows and skylights.
- (4) Doors to the building(s) shall remain closed except to temporarily allow transport trucks to enter and exit the building.

CHARLOTTE CODE

PART 5: SPECIAL REQUIREMENT FOR CERTAIN USES

- (5) Vehicle access to the site will be paved and will be provided only from any Class I, II, III, III-C or IV street or from any street built to commercial or industrial standards which leads directly from a Class I, II, III, III-C or IV street. Acceleration/deceleration lanes will be provided unless the appropriate transportation department determines they are not suitable at that particular location. All access driveways which serve the site for ingress or egress must be wide enough to accommodate two lanes of traffic. An area on the site must be provided between the entrance off the street and the solid waste transfer building to accommodate a minimum of ten vehicles and no vehicles will be allowed to back up on any public right-of-way.
- (6) All activities of a solid waste transfer station must be located a minimum of 50 feet from any exterior property line, except the minimum shall be increased to 500 feet from any residential zoning district or from any lot line of property used for a residential dwelling unit.
- (7) All existing trees and vegetation on the solid waste transfer station site are to remain in an undisturbed condition for the distances specified in item 6 above. Where the natural growth is inadequate to materially screen the site from the view of adjoining properties and from a public street, vegetation will be provided according to Class A buffer requirements. When the site is adjoining residentially zoned property, the exterior 100 feet must contain vegetation equivalent to a Class A buffer adjacent to the exterior property. When adjacent to any nonresidential zoning district, a 50-foot Class A buffer will be provided at the exterior property line. This 50-foot buffer can be the same minimum distance separation as stated above. The access to the site and utilities serving the site may cross all of these areas, however, underground utility areas will be replanted after installation. It is the intent of this provision that these driveways and utilities be basically in a straight line and as nearly perpendicular to the property line as possible.
- (8) When solid waste transfer stations are adjoining any residential zoning district, the facility may not be operated on Sunday or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.
- (9) Solid waste transfer stations must be served by public water and sewer facilities.

CHARLOTTE CODE

PART 5: SPECIAL REQUIREMENT FOR CERTAIN USES

Section 12.527. Single Room Occupancy (SRO) residences.

Single room occupancy (SRO) residences are permitted in the Institutional, B-2, UMUD, TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO, U-I, and I-1 districts subject to the standards of the individual district in addition to the following requirements. If any conflict should occur between the standards of the individual district and the following requirements, the following shall apply.

- (1) Minimum Rooming Unit Size: Rooming units shall be a minimum of eighty (80) square feet with an additional minimum of fifty (50) feet for each additional occupant.
- (2) Minimum Common Space: The building shall contain common space such as recreation areas, lounges, living rooms, dining rooms, or other congregate living spaces at a rate of five (5) square feet per rooming unit, but totaling not less than two hundred and fifty (250) square feet. Bathrooms, laundries, hallways, the main lobby vending areas, and kitchens shall not be counted as common space.
- (3) Operation: On-site management shall be provided on a twenty-four (24) hour basis per building.

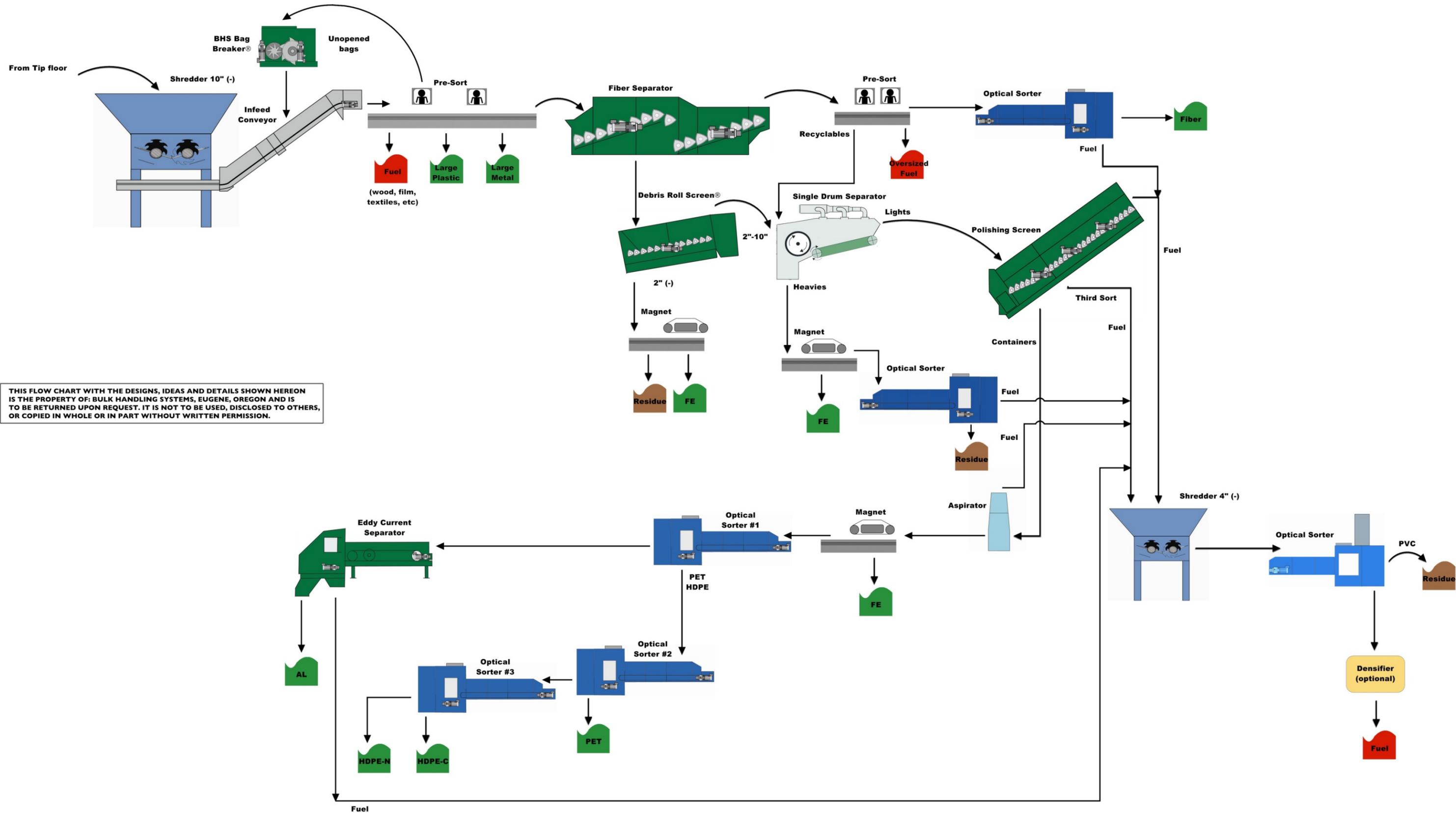
Adequate on-site management includes having an employee on premises twenty-four hours a day. The employee must be accessible to residents, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises. Adequate on-site management also requires that the employee has the authority to exercise control over the premises to ensure that the use of the premises does not result in littering, nuisance activities, noise, or other activities that interfere with the peaceful enjoyment and use of surrounding properties.

Cleaning services shall be provided and utilities shall be mass metered.

- (4) Density Requirements: Density (number of rooming units permitted) shall be based upon the maximum non-residential Floor Area Ratio (FAR) of the zoning district where located with a maximum of 120 and a minimum of 11 rooming units per site.
- (5) Off-Street Parking Requirements: 0.20 space per rooming unit - may be reduced by 50% within a quarter mile of transit line.
- (6) Signs: Any signage which identifies the use shall be in accordance with the underlying zoning district.
- (7) Buffers: All buildings, outdoor active recreation facilities, and off-street parking and service areas will be separated by a Class B buffer from any abutting property zoned or used for single-family residential use.

(Petition No. 2003-90 §12.527, 10/20/03)

Appendix C: Process Flow Chart



THIS FLOW CHART WITH THE DESIGNS, IDEAS AND DETAILS SHOWN HEREON IS THE PROPERTY OF: BULK HANDLING SYSTEMS, EUGENE, OREGON AND IS TO BE RETURNED UPON REQUEST. IT IS NOT TO BE USED, DISCLOSED TO OTHERS, OR COPIED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION.

Appendix D: Traffic Study



ReVenture Park 1200 Amble Drive, North Carolina

Graham Street – Graham Street is a four lane undivided, NCDOT maintained roadway. Graham Street is listed as a major thoroughfare on the MUMPO Long Range Transportation Plan. Graham Street has a posted speed limit of 45 mph. Graham Street has a 2008 AADT volume of 28,000 vehicles per day in the vicinity of the site.

Amble Drive - Amble Drive is a two lane unstriped roadway. Turn lanes do not exist at the intersection with Graham Street. Amble Drive has an assumed speed limit of 35 mph. Amble Drive is maintained by the City of Charlotte.

Pebble Street – Pebble Street is a two lane unstriped roadway. Pebble Street connects Amble Drive to Reagan Drive. Pebble Street has an assumed speed limit of 35 mph and is maintained by the City of Charlotte.

Reagan Drive - Reagan Drive is a two lane roadway. Reagan Drive is signalized at the intersection with Graham Street. Reagan Drive has posted speed limit of 35 mph. Amble Drive is maintained by the City of Charlotte.

The intersection of Reagan Drive and Pebble Street is unsignalized. The intersection is sized to accommodate turning movements for heavy vehicles with large turning radii and appropriate channelization. The projected volume of traffic accessing the site should not have an impact on the operations of the intersection.



Reagan Drive intersection with Pebble Street

Regional Site Access

Regional access to the site will be accomplished via exit 40 (Graham Street) with I-85.

Exit 40 is a traditional Parclo interchange with all the interchange ramps located on the eastside due to the railroad tracks on the west side. 1200 Amble Drive is 0.7 miles from the I-85/Graham Street interchange.

The interchange between Graham Street and I-85 will be able to accommodate the projected truck traffic associated with the site.

Please refer to Figure 2 for an overview of the regional access.

Site

The site currently has two driveways on Amble Drive. The western most driveway is configured to handle truck traffic while the eastern most driveway



provides access to a parking lot. Ingress the site can occur either via a direct route from Graham Street to Amble Drive or from Reagan Drive via Pebble Street. Both Amble Drive and Pebble Street are of sufficient width to accommodate tractor trailer vehicles. As with ingress, egress from the site can occur via the same routes.

Neither, Reagan Drive nor Amble Drive have left-turn lanes along Graham Street. The proximity of existing land uses and the railroad tracks permit the widening of Graham Street. Since the majority of projected truck traffic (251 vehicles per day) is projected to operate off peak, a turn lane is not likely warranted. Should excessive delay occur along Graham Street at Amble Drive, the existing traffic signal at Reagan Drive can be modified to accommodate a leading left-turn phase onto Reagan Drive. Approval of signal phasing such as this would require approval from NCDOT and the Charlotte Department of Transportation (CDOT).

Existing land uses along Amble Drive and Pebble Street are compatible with the proposed land use.

Please refer to Figure 2 for an overview of the site layout and diagram regarding traffic access.

Traffic Impact Analysis

NCDOT's *Policy on Street and Driveway Access to North Carolina Highways* provides specific guidance regarding the need for a traffic impact study (TIS). The three thresholds provided in the policy are:

- A TIS may be required for a site that generates 3,000 vehicles per day or more.
- A TIS may be required for a site that is within 1,000 feet of an interchange, high crash location, an active highway project, or along a major thoroughfare.
- A TIS can be required at any time should the District Engineer deem it necessary.

CDOT's *Land Development Rezoning and Traffic Impact Study Review Process* provides specific guidance regarding the need for a TIS. The requirements are as follows:

- The site development generates 2,500 trips per weekday
- Exacerbates an already difficult situation such as at a railroad crossing, fire station access, school access, etc.
- Creates the fourth leg of an existing signalized intersection
- Takes place at a high congestion location ($v/c > 1$)
- Affects a location with a high vehicle crash history



Based on these polices, a TIS will likely not be required for 1200 Amble Drive for the following reasons:

- The site does not generate a significant volume of trips per day. Based on data provided by Forsite, 251 trucks per day are projected to access the site, during off peak periods.
- The existing land use of the site is similar in nature to the projected land use.
- A known crash history is not present along either of the potential access routes.

However, the NCDOT District Engineer and the CDOT have the right to require a TIS for this site. The study area for the TIA would likely include the following three (3) intersections:

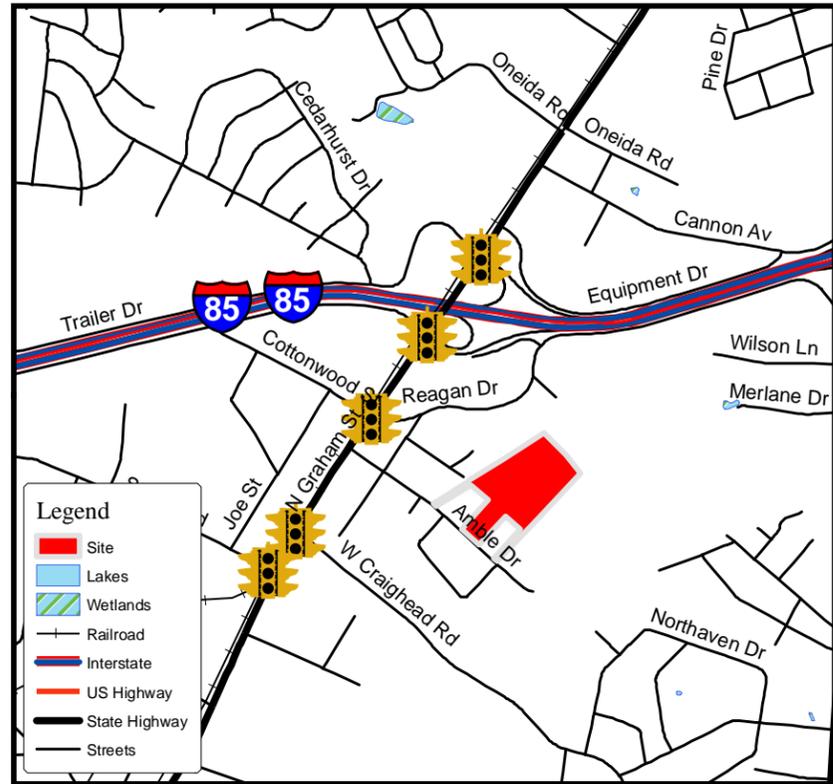
- Graham Street at Amble Drive
- Reagan Drive at Pebble Drive
- Graham Street at Reagan Drive

Findings Overview

- Because of the current land use, the frequency of trucks occurring during off peak periods, a traffic study will likely not be required for this site. However, the CDOT and the NCDOT District Engineer have the right to request a traffic study should it be determined necessary.
- Since the projected truck traffic of 251 vehicles per day is projected to operate off peak, a turn lane is not likely warranted.
- Should excessive delay occur along Graham Street at Amble Drive, the existing traffic signal at Reagan Drive can be modified to accommodate a leading left-turn phase onto Reagan Drive. Approval of signal phasing such as this would require approval from NCDOT and the Charlotte Department of Transportation (CDOT).
- Primary ingress access to 1200 Amble Drive for the truck force should be taken from Graham Street to Amble Drive.
- Primary egress access from 1200 Amble Drive for the truck force should be taken from Amble Drive to Pebble Street to Reagan Drive to Graham Street. This will allow the exiting trucks to take advantage of the signalized intersection between Graham Street and Reagan Drive.
- All check-in/out structures should be located at a minimum of 200 feet inside the site to allow for adequate queuing.

Should you have any questions concerning this matter please feel free to contact Steve Blakley or Jonathan Guy at (704-333-5131).

Regional Transportation Network

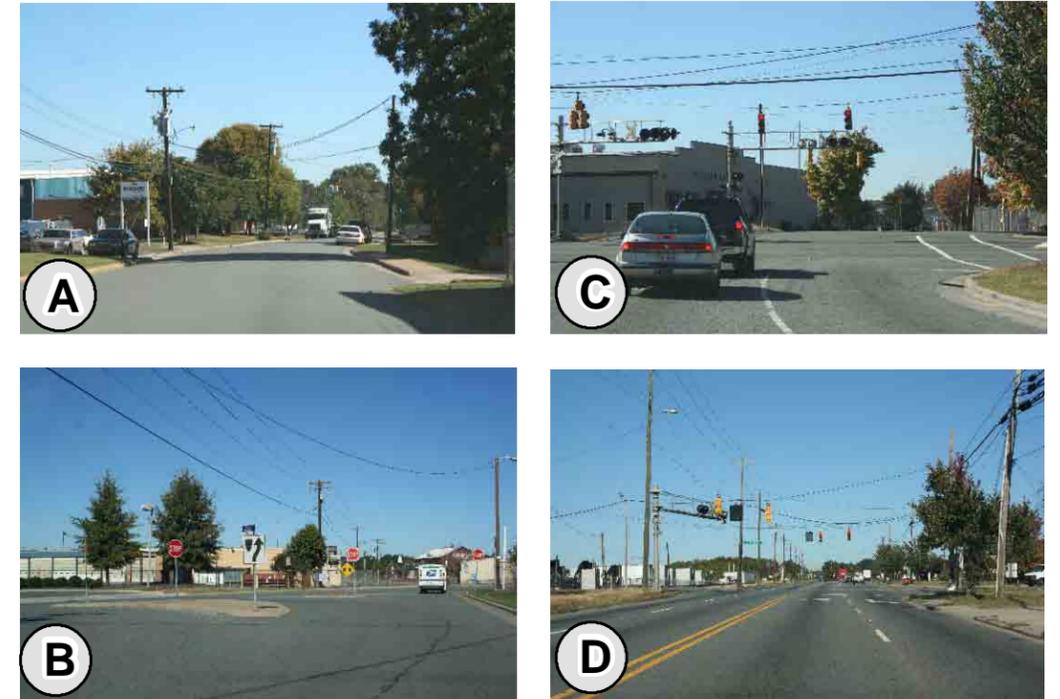


Site Overview



ReVenture Park

1200 Amble Drive



Property Access



Recommendations

- Because of the current land use, the frequency of trucks occurring during off peak periods, a traffic study will likely not be required for this site. However, the CDOT and the NCDOT District Engineer have the right to request a traffic study should it be determined necessary.
- Since the projected truck traffic of 251 vehicles per day is projected to operate off peak, a turn lane is not likely warranted.
- Should excessive delay occur along Graham Street at Amble Drive, the existing traffic signal at Reagan Drive can be modified to accommodate a leading left-turn phase onto Reagan Drive. Approval of signal phasing such as this would require approval from NCDOT and the Charlotte Department of Transportation (CDOT).
- Primary ingress access to 1200 Amble Drive for the truck force should be taken from Graham Street to Amble Drive.
- Primary egress access from 1200 Amble Drive for the truck force should be taken from Amble Drive to Pebble Street to Reagan Drive to Graham Street. This will allow the exiting trucks to take advantage of the signalized intersection between Graham Street and Reagan Drive.
- All check-in/out structures should be located 200 feet inside the site to allow for adequate queuing.



Figure 2

Appendix E: Signature Pages

Signature page of applicant –

Name of facility _____

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and that the information provided in this application is true, accurate, and complete to the best of my knowledge.

I understand that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars (\$15,000.00) per day per each violation of the Solid Waste Management Rules. I further understand that the Solid Waste Management Rules may be revised or amended in the future and that the facility siting and operations of this solid waste management facility will be required to comply with all such revisions or amendments.

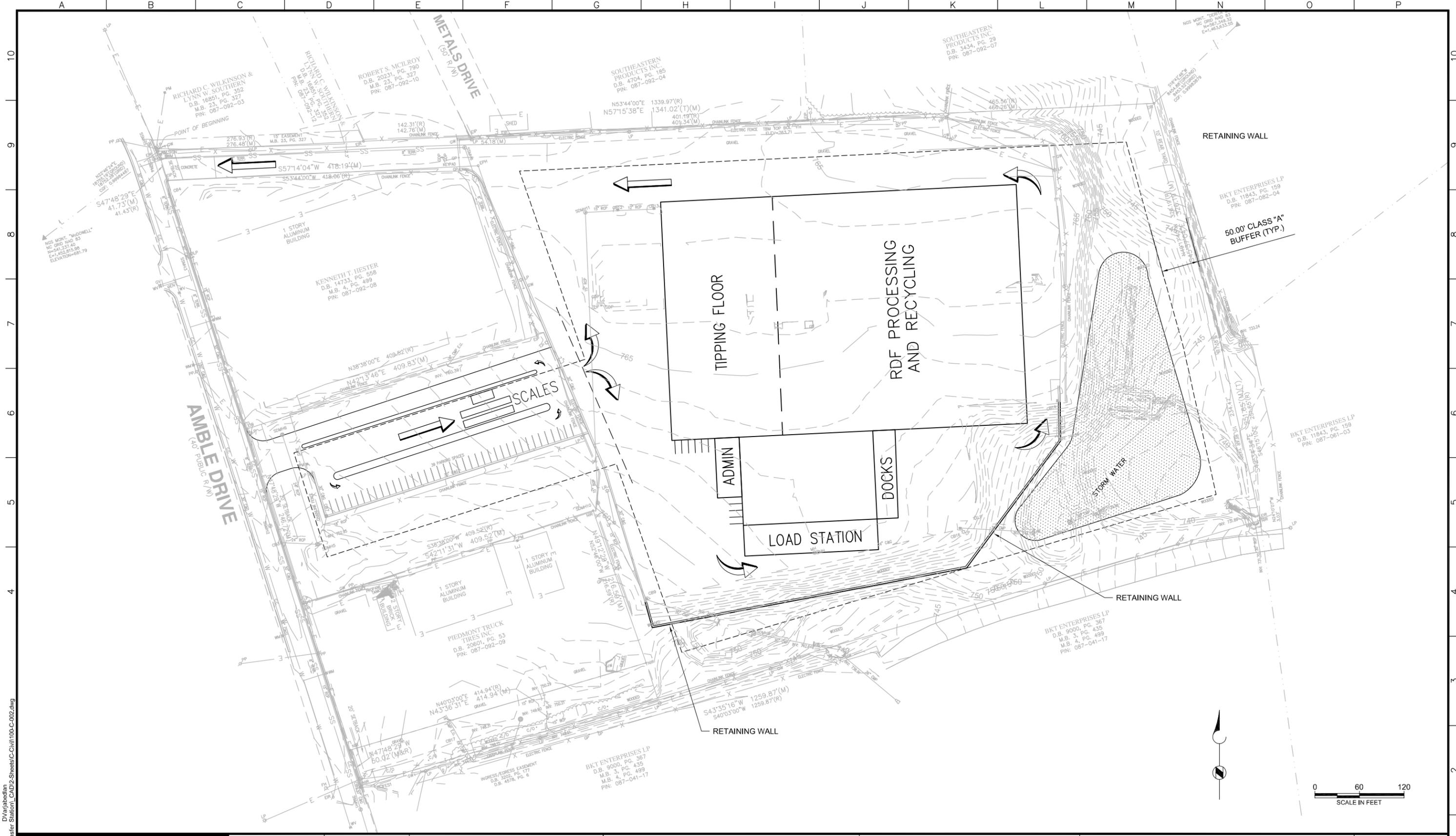
Sean P. Duffy
Signature
Date

SEAN P. DUFFY
Print Name

VICE President
Title

FCR, LLC
Business or organization name

Appendix F: Engineering Drawings



Dec 22, 2010 - 2:36pm
 P:\Clients\FCR\1410262 - Transfer Station\CADD2-Sheets\C-Client\100-C-002.dwg
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Brown and Caldwell
 Environmental Engineering and Consulting
 309 East Morehead Street, Suite 160, Charlotte, North Carolina 28202 (704) 358-7204

DESIGNED: _____
 DRAWN: _____
 CHECKED: _____
 CHECKED: _____
 APPROVED: _____

SUBMITTED: _____ PROJECT MANAGER DATE: _____
 APPROVED: _____ BROWN AND CALDWELL DATE: _____

LINE IS 2 INCHES
 AT FULL SIZE
 (IF NOT 2" = SCALE
 ACCORDINGLY)
 EXTERNAL REFERENCES

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REVISIONS
 ZONE REV. DESCRIPTION BY DATE APP.
 809 WEST HILL STREET
 CHARLOTTE, NORTH CAROLINA 28208

SITE PLAN
 RENEWABLE FUEL FACILITY
 CHARLOTTE, NORTH CAROLINA

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| FILENAME |
| BC PROJECT NUMBER |
| SCALE |
| DRAWING NUMBER |
| SHEET NUMBER OF |

