



Facility Permit No: 1811
Permit to Construct/Operate - Modification
City of Newton LCID Landfill
October 8, 2011
DIN:11616
Page 1 of 9

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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
SOLID WASTE SECTION

LAND CLEANING AND INERT DEBRIS LANDFILL FACILITY

Permit No. 18-11

CITY OF NEWTON

is hereby issued a

PERMIT TO CONSTRUCT AND OPERATE

LAND CLEARING AND INERT DEBRIS LANDFILL PHASE 1

Located at 1171 Boston Road, in the City of Newton, Catawba County, North Carolina, in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit. The facility is located and described by the legal description of the site or the property map contained within the approved application.

Edward F. Mussler, III, P.E.,
Permitting Branch Supervisor
Permitting Branch

ATTACHMENT 1

PART I: PERMITTING HISTORY

1. Permit to Construct/Operate, issuance, Phase 1. September 2008. DIN 5501.
2. Permit to Construct/Operate, modification addition of composting and grinding operations. October 8, 2010. DIN 11616.

Permit Type	Date Issued
Land Clearing and Inert Debris Landfill	
Permit to Construct/Operate: Original Issuance	September 4, 2008
Permit to Operate/Operate: Modification	October 8, 2011

PART II: LIST OF DOCUMENTS FOR THE APPROVED PLAN

NO.	DOCUMENT DESCRIPTION	DIN
1.	<i>February 12, 2008 Permit Meeting Summary Letter.</i> Prepared by: Allen Gaither. Prepared for: Solid Waste Permitting. February 15, 2008.	4054
2.	<i>Letter stating waste will be four feet above water table.</i> Prepared by: Alex Fulbright – Assistant City Planner. Prepared for: City of Newton. June 25, 2008.	5424
3.	<i>City of Newton Operational Plan for LCID Landfill.</i> Prepared by: Mark Herman – Public Works Superintendent. Prepared for: City of Newton, August 6, 2008.	5462
4.	<i>Permit to Construct/Permit to Operate Application Submittals.</i> Prepared by: W.K. Dickson. Prepared for: City of Newton. June 6, 2006.	5500
5.	<i>City of Newton Operational Plan for LCID Landfill and Composting Facility.</i> Prepared by City of Newton. Revised September 10, 2010.	11609

PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Catawba County, N.C. Register of Deeds				
Book	Page	Acreage	Grantor	Grantee
292	543	180.3±		Newton, City of
		180.3±	Total Facility Acreage	

PART IV: GENERAL PERMIT CONDITIONS

1. This permit is issued by the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section (Section). In accordance with North Carolina Solid Waste Management Rule 15A NCAC 13B .0201(d), a solid waste management facility permit shall have two parts: a Permit to Construct and a Permit to Operate. The Permit to Construct must be implemented in accordance with Attachment 2 of this permit. The Permit to Operate must be implemented in accordance with Attachment 3 of this permit.
2. The persons to whom this permit is issued (“permittee”) are the owners and operators of the solid waste management facility.
3. (Intentionally blank)
4. (Intentionally blank)
5. By receiving waste at this facility the permittee shall be considered to have accepted the terms and conditions of this permit.
6. Operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of the Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit; and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition.
7. This permit is issued based on the documents submitted in support of the application for permitting the facility including those identified in Attachment 1, “List of Documents for Approved Plan,” and which constitute the approved plan for the facility. Where discrepancies exist, the most recent submittals and the Conditions of Permit shall govern.
8. This permit may be transferred only with the approval of the Section, through the issuance of a new or substantially amended permit in accordance with applicable statutes and rules. In

accordance with NCGS 130A-295.2(g) the permittee must notify the Section thirty (30) days prior to any significant change in the identity or business structure of either the owner or the operator, including but not limited to a proposed transfer of ownership of the facility or a change in the parent company of the owner or operator of the facility.

9. The permittee is responsible for obtaining all permits and approvals necessary for the development of this project including approval from appropriate agencies for a General or Individual NPDES Stormwater Discharge Permit. Issuance of this permit does not remove the permittee's responsibilities for compliance with any other local, state or federal rule, regulation or statute.

- End of Section -

ATTACHMENT 2

CONDITIONS OF PERMIT TO CONSTRUCT

PART I: GENERAL FACILITY CONDITIONS

1. The Permit to Construct was issued on September 4, 2008 and the permit shall expire September 4, 2013. Pursuant to the NC Solid Waste Management Rules (Rule) 15A NCAC 13B .0201(c) and (d)(1).
2. The initial, substantial, construction authorized by this Permit to Construct must commence within 18 months from the issuance date of this permit. If substantial construction does not begin within 18 months from the issuance date of this permit, then the permit to construct shall expire. Substantial construction includes, but is not limited to, issuance of construction contracts, mobilization of equipment on site, and construction activities including installation of sedimentation and erosion control structures. The permittee may reapply for the permit to construct prior to the expiration date. The re-application will be subject to the statutes and rules in effect on that date and may be subject to additional fees.
3. Construction of all solid waste management units within this facility must be in accordance with the pertinent approved plans and only for those phases of development approved for construction as described in Attachment I, Part II List of Documents for the Approved Plan.
4. The permittee must conduct a preconstruction meeting at the facility prior to initiating construction of any unit/cell and must notify the Section at least 10 days prior to the meeting.
2. Modifications or revisions of the approved documents or changes during construction of any landfill unit/cell requires approval by the Section, and may constitute a permit modification and be subject to a permitting fee.
1. An approval to operate by the Section is required prior to commencement of operations at the referenced facility. The following requirements shall be met prior to issuance of an approval to operate:

- b. A site inspection shall be made by a representative of the Section.
- c. Construction must be completed in accordance with the approved plan. A certification letter stating that the facility and related infrastructure was constructed in accordance with the approved plan shall be submitted to the Section by the Project Engineer who shall be a North Carolina registered professional engineer.
- d. Three (3) copies of the construction record (As-built) drawings shall be submitted to the Section for filing and records.
- e. A representative of the Section shall notify the Permitting Branch Supervisor in writing, either by letter or e-mail, that the conditions have been met. The owner and operator shall be copied on the correspondence. The notification shall suffice as permission to operate as of the date of the notification.

Erosion and Sedimentation Control Requirements

- 7. All required sedimentation and erosion control measures must be installed and operable to mitigate excessive on-site erosion and to prevent silt from leaving the area of the landfill unit during the service life of the facility.
- 8. All earth disturbing activities must be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4) and consistent with any other local, state or federal requirements.
- 9. Facility construction, operations or practices must not cause or result in a discharge of pollution, dredged material, and/or fill material into waters of the state in violation of the requirements under Sections 401 and 404 of the Clean Water Act, as amended.
- 10. Modifications to the approved sedimentation and erosion control activities require approval by the North Carolina Land Quality Section. The Section must be notified of any sedimentation and erosion control plan modifications.
- 11. Pursuant to the NC Solid Waste Management Rule (Rule) 15A NCAC 13B .1626(5) burning of land-clearing debris generated on site as a result of construction activities requires approval by the Section prior to initiating the burn. In addition, the Division of Air Quality and local fire department must approve the activity prior to burning.

PART II: LAND CLEARING AND INERT DEBRIS LANDFILL UNIT SPECIFIC CONDITIONS

- 12. This permit authorizes the construction of the LCID Landfill containing the total design gross capacity of 100,000 cubic yards within 4.97 permitted acres that is located inside the 180.29 acre tract in accordance with the approved plan, Attachment 1, Part II Document 4.

- End of Section -

ATTACHMENT 3

CONDITIONS OF OPERATING PERMIT

PART I: GENERAL FACILITY CONDITIONS

1. The Permit to Operate was issued on September 4, 2008. The permit shall expire April 3, 2014. Pursuant to 15A NCAC 13B .0201(g), no later than March 4, 2013, the owner or operator must submit a request to the Section for permit review and must update pertinent facility plans including, but not limited to, the facility operation and waste screening plans.
2. All sedimentation and erosion control activities must be conducted in accordance with the Sedimentation Control Act N.C.G.S. 113A-50, et seq., and rules promulgated under 15A NCAC 4.
3. The edge of the waste footprint for all disposal units must be identified and maintained with permanent physical markers.

Operational Requirements

4. This facility is permitted to receive solid waste generated within the City of Newton.
5. Copies of this permit, the approved plans, and all records required to be maintained by the permittee must be maintained at the facility and made available to the Section upon request during normal business hours.
6. The owner or operator must maintain a record of the amount of solid waste received at the landfill unit, compiled on a monthly basis.
7. Amendments or revisions to the NC Solid Waste Management Rules or any violation of groundwater standards may necessitate modification of the approved plans or closure of the facility.
8. This facility must conform to the operational requirements of the Rules 15A NCAC 13B .0565(4), 15A NCAC 13B .0566, and approved document listed in Attachment 1, Part II.
9. This facility is permitted to receive land clearing waste, yard trash, untreated and unpainted wood, uncontaminated soil, and inert debris such as unpainted rock, brick, concrete, and concrete block. Waste acceptance requirements may be affected by future revisions and amendments to the NC General Statutes, or to the NC Solid Waste Management Rules.
10. Excavation, grading, and fill material side slopes must not exceed three (3) horizontal to one (1) vertical.
11. The following requirements must be met prior to receiving waste and during the operation of the site:
 - a. A site inspection and/or pre-operative meeting must be conducted by a representative of the Solid Waste Section.

- b. A sign must be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements 15A NCAC 13B .0566 (16).
 - c. Site access controls must be installed and operational.
 - d. An attendant must be on duty at all times while the landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
 - e. Access roads must be of all-weather construction and properly maintained.
12. The concentration of explosive gases generated by the LCIDL facility must not exceed:
- a. Twenty-five percent (25%) of the lower explosive limit for the gases in facility structures.
 - b. The lower explosive limit for the gases at the property boundary.
13. Open burning of land clearing waste within the landfill unit is prohibited. If a fire occurs, the Permittee must provide oral notification to the Section within 24 hours of the occurrence followed by a written report of the details of the fire within 10 working days that includes but not limited to: the cause, the location(s) on the premises, the dimensions and volume of material involved, description of the emergency response activities, how the fire was brought under control, and what mitigation measures are implemented to reduce or eliminate conditions leading to the fire. Other conditions may be required based on the severity or nature of the fire.

Drainage Control and Water Protection Requirements

14. Facility operations or practices must not cause or result in a discharge of pollution, dredged material, and/or fill material into waters of the state in violation of the requirements under Sections 402 and 404 of the Clean Water Act, as amended.
15. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L.
16. Surface water must be diverted from the operational area.
17. Surface water must not be impounded over or in waste.
18. Solid waste must be placed a minimum of four (4) feet above the seasonal high water table and at a minimum of 18.0 feet above mean seal level for the remaining landfill footprint in accordance with the approved plan Document No. 2 and Sheet Nos. 2 and 3 in Part II of Attachment 3 and the Rule 15A NCAC 13B .0564(8)(d).
19. Solid waste must not be disposed in standing water.
20. Leachate must be properly managed on site through the use of current best management practices.
21. Within 120 calendar days after completion of the final disposal operations, the disposal area must be closed and covered with a minimum of one (1) foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. However, ditches located on the landfill debris must have a two (2) feet thick soil cover as its base and side slopes.

PART II: LAND CLEARING AND INERT DEBRIS LANDFILL UNIT SPECIFIC CONDITIONS

13. This permit authorizes the operation of Phase 1 of the LCID Landfill containing an estimated design gross capacity of 20,000 cubic yards. Gross capacity is the measured volume between the bottom of waste and the top of final cover. The average received waste is estimated at approximately 350 tons per year in accordance with the Operations Plan, Attachment 1, Part II, Document 5.
14. Solid waste must be restricted to the smallest area feasible, compacted as densely as practical into cells by proper construction equipment, and sloped to ensure drainage to the mine pit.

Cover Material Requirements

22. Solid waste must be covered with 1.0 foot of suitable soil cover at least once per month or when the active area reaches 1.0 acre in size in accordance with the approved operation plan, Attachment 1, Part II, Document 3, whichever comes first, or more often when necessary to prevent the site from becoming a nuisance or to mitigate conditions associated with fire, windblown materials, vectors, or excessive water infiltration.
23. Vegetative ground cover sufficient to restrain erosion must be established within 30 working days over areas that are not do not receive wastes for 30 calendar days or upon completion of any phase of LCIDLF development or as addressed in the approved Sedimentation and Erosion Control permit, Attachment 1, Part II, Document 3.

PART III: MISCELLANEOUS SOLID WASTE MANAGEMENT SPECIFIC CONDITIONS

General Conditions

24. Wastes received and product stored shall be maintained in reasonably sized piles with adequate fire breaks and lanes in accordance with the approved operational plans and the pertinent rules.
25. Surface water shall be diverted from all operational and storage areas to prevent standing water in operational areas and under or around storage piles. Water that comes in contact with solid waste shall be contained on-site or properly treated prior to discharge.
26. These areas 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.
27. These areas shall be operated and maintained in a manner so as to minimize odors, prevent the creation of a nuisance, potential health hazard, or a potential fire hazard.
28. Effective vector control measures shall be applied as necessary to control flies, rodents, insects, or vermin.

29. All miscellaneous solid waste management activities must be managed within the facility in the areas identified in the approved plans. Management of solid waste in areas of the facility other than that referenced above, require written permission of the Solid Waste Section.

Operational Conditions – Type 1 Composting Unit

30. The facility is permitted to operate a compost facility as defined in 15A NCAC 13B .0101(7).
31. This unit may receive only yard waste, silvicultural waste, untreated and unpainted wood waste.
32. The facility is only permitted to receive waste materials described in 15A NCAC 13B .1402(f)(1).
33. 55. The facility must monitor and maintain records to demonstrate the requirements of 15A NCAC 13B .1406 are continually being met.
34. Final product shall meet the label requirements of 15A NCAC 13B .1407(g).

Operational Conditions – Treatment & Processing (Wood Grinding)

35. The facility is permitted to operate a treatment and processing facility as defined in 15A NCAC 13B, Rule .0101(49).
36. The facility is permitted to receive land clearing waste as defined in 15A NCAC 13B, Rule .0101(23).
37. The facility is permitted to receive wooden pallets constructed of unpainted and untreated natural wood.
38. The facility is permitted to receive yard trash as defined in 15A NCAC 13B, Rule .0101(55). However, this ground material containing yard trash may not be distributed to the public unless it has been composted in accordance with Rule .1400.
39. The facility must manage the treatment and processing according to the Operation Plan included in Attachment 1, Part II: "List of Documents for the Approved Plan". Any revisions to the approved plan shall be approved by the Section, prior to implementation.

- End of Conditions -