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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

February 19, 2010

Mr. Bobby Howard
698 Ann St
Fayetteville, NC 28301

Re: Expired Permit
Guidelines for Application for 5-Year Amendment
Wilkes Road Site
Cumberland County, North Carolina
Permit No. 26F-LCID-1986
Doc ID No. 9810

Dear Mr. Howard:

Under the North Carolina Solid Waste Management Act, 15A NCAC 13B .0563(4), permits to operate LCID Landfills are issued for not more than five (5) years. The Solid Waste Section records indicate that you have allowed the Permit to Operate the above-referenced facility to expire by not submitting a renewal application prior to the expiration of the previous 5-year permit. This is a violation of the Act and needs to be corrected immediately or you will be subject to enforcement action and/or closure of your facility.

In order to obtain a 5-year permit amendment at the above-referenced LCID Landfill and to avoid enforcement action, you must submit the following information to the Solid Waste Section by April 20, 2010.

1. A minimum of two cross-sections along each major axis per operational area that shows the current elevations, the proposed excavation, the proposed elevation at the end of the 5-year phase of operation and the proposed final elevations. The excavation drawing must show the separation to groundwater and bedrock is at least 4 feet.
2. An updated Operation Plan.
3. A completed request for Compliance History Review (attached).
4. Letter from local government stating that the LCID complies with local land use and zoning ordinances.
5. Application fee of $500 for 5-year permit.
6. A combined copy of all information on a disc in pdf format.

Should you choose not to submit the above-referenced information by the requested date, then closure of the facility must be initiated within 120 days of receipt of this letter. If you fail to choose either option, you will be subject to enforcement action, which may include injunctive action and/or the assessment of administrative penalties of up to $15,000 per day for each day of continued violation of any requirement of the Act, the rules, or any term of condition of you permit, including the failure to properly apply for renewal of the facility's permit.

We have enclosed a guide for your application and a copy of the LCID rules, including the requirements for closing your LCID landfill if you so choose to discontinue operation of your facility.

Thank you for your cooperation in this matter. If you have questions about this letter or feel this letter is in error, please contact either me at 919.508.8496 or Drew Hammonds, Environmental Senior Specialist for the facility, at 910.433.3351.

Sincerely,

Elizabeth S Werner
Division of Waste Management - Solid Waste Section
2010.02.19 17:01:59 -05'00'

Elizabeth Werner
Hydrogeologist

Cc: Paul Crissman, DWM
Ed Mussler, DWM
Mark Poindexter, DWM
Terry Townsend, Associate Attorney General
Drew Hammonds, DWM

Enclosures

Application for 5-Year LCID Permit

Each 5-year LCID Permit requires an application. The following information must be submitted to the Section within no less than 3 months from the expiration date of the previous Permit to Operate to maintain continuous operation of the LCID landfill.

1. A minimum of two cross-sections along each major axis per operational area that shows the current elevations, the proposed excavation, the proposed elevation at the end of the 5-year phase of operation and the proposed final elevations. The excavation drawing must show the separation to groundwater and bedrock is at least 4 feet.

2. An updated Operations Plan.

3. A completed request for Compliance History Review (attached).

4. Letter from local government stating that the LCID complies with local land use and zoning ordinances.

General

All landfill Permits to Operate issued by the NC-DENR DWM are for 5-year periods. No later than 6 months prior to the expiration of the LCID landfill Permit to Operate, the permittee must submit an application for the next 5-year phase of operation.

The fees for a LCID landfill permit are as follows:

New Permit	$1,000
Permit Amendment:	$500
Permit Modification	$250
Annual Permit Fee	$500

Mailing Address

Applications must be sent to the following address:

NC DENR, Division of Waste Management
Solid Waste Section Permitting
1646 Mail Service Center
Raleigh, NC 27699-1646

The Section requests that 2 hard copies and 1 electronic (Portable Document Format or PDF) version of the application is requested to be submitted along with the appropriate fee.

Questions regarding an application should be directed to the Solid Waste Section, Phone 919-508-8400.

Applicant Signature Page

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.

_____	_____	_____
Signature	Print Name	Date
_____	_____	_____
Title	Business or organization name	Date

SOLID WASTE SECTION PERMIT APPLICATION
COMPLIANCE REVIEW REQUEST
AND PERMIT FEE INVOICE REQUEST

Submit to the Field Operations Branch Head (or Compliance Officer) and to Jeff Skabo

Review Requested by:	_____	Date Requested:	_____

Name of facility and permit number	_____
Applicant (Owner) Name	_____
Description of Permit Request	_____
Permit Fee Action	_____
Date Application Received	_____
Contact Name and Title	_____
Company	_____
911 Address	_____
Mailing Address	_____
City/State/Zip	_____
Parent Company	_____
Known Subsidiaries	_____
Other known names business has operated under	_____
Known Counties of Operation	_____
Does the applicant have a past or current solid waste permit? If Yes:	Yes ☐ No ☐ Unknown ☐ Facility Type: _____ Permit #: _____
Does the applicant have other DENR permits? If Yes:	Yes ☐ No ☐ Unknown ☐ Division: _____ Facility Type: _____ Permit #: _____
Did the permit applicant submit Financial Assurance cost estimates?	Yes ☐ No ☐ N/a ☐ Not Needed ☐
Are the cost estimates sufficient?	Yes ☐ No ☐ N/a ☐
Other notes	_____

EXCERPT OF NORTH CAROLINA SOLID WASTE MANAGEMENT RULES FOR LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS

15A NCAC 13B .0560 LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS

Rules .0560 - .0566 of Title 15A Subchapter 13B of the North Carolina Administrative Code (T15A.13B .0560 - .0566); have been adopted covering the siting, design, and permitting of land clearing and inert debris landfills, effective January 4, 1993.

History Note: Authority G.S. 130A-294;
Eff. January 4, 1993.

15A NCAC 13B .0561 RESERVED FOR FUTURE CODIFICATION

15A NCAC 13B .0562 BENEFICIAL FILL

A permit is not required for beneficial fill activity that meets all of the following conditions:

(1) The fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel.
(2) The fill activity involves no excavation.
(3) The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.
(4) The fill activity is not exempt from, and must comply with, all other applicable Federal, State, and Local laws, ordinances, rules, and regulations, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, mining regulations, sedimentation and erosion control regulations. Fill activity shall not contravene groundwater standards.

History Note: Authority G.S. 130A-294;
Eff. January 4, 1993.

15A NCAC 13B .0563 APPLICABILITY REQ. FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS

Management of land clearing and inert debris shall be in accordance with the State hierarchy for managing solid waste as provided for under G.S. 130A-309.04(a). Disposal in a landfill is considered to be the least desirable method of managing land clearing and inert debris. Where landfilling is necessary, the requirements of this Rule apply.

(1) An individual permit from the Division of Solid Waste Management is not required for Land Clearing and Inert Debris (LCID) landfills that meet all of the following conditions:
    (a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management.
    (b) The total disposal area is under two acres in size.
    (c) The facility and practices comply with the siting criteria under Rule .0564, and operational requirements under Rule .0566.
    (d) The fill activity is not exempt from, and must comply with all other Federal, State, or Local laws, ordinances, Rules, regulations, or orders, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, sedimentation and erosion control requirements, and mining regulations.
(2) Where an individual permit is not required, the following applies:
    (a) The owner of the land where the landfill is located must notify the Division on a prescribed form, duly signed, notarized, and recorded as per Sub-item (2)(b) of this Rule. The operator of the landfill, if different from the land owner, shall also sign the notification form.
    (b) The owner must file the prescribed notification form for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the

recorded notification, affixed with the Register's seal and the date, book and page number of recording shall be sent to the Division of Solid Waste Management.

(c) When the land on which the Land Clearing and Inert Debris Landfill is sold, leased, conveyed, or transferred in any manner, 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 Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification.

(3) An individual permit is required, except for landfills subject to Item (5) of this Rule, for the construction and operation of a Land Clearing and Inert Debris (LCID) landfill when:

(a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management, and

(b) The total disposal area is greater than two acres in size.

(4) Individual permits for land clearing and inert debris landfills shall be issued for not more than five years.

(5) Landfilling of land clearing and inert debris generated solely from, and within the right of way of, North Carolina Department of Transportation projects shall be subject to the following:

(a) Only waste types as described in Sub-item (1)(a) of this Rule may be disposed of within the Department of Transportation right of way.

(b) Waste is landfilled within the project right of way from which it was generated.

(c) The disposal area shall not exceed two contiguous acres in size.

(d) Disposal sites shall comply with the siting requirements of Rule .0564 of this Section except for Item (10).

(e) Disposal sites are not subject to the requirements of Item (2) of this Rule and Rule .0204 of this Subchapter.

(6) Landfills that are currently permitted as demolition landfills are required to comply with the following:

(a) Only waste types as described in Sub-item (3)(a) of this Rule may be accepted for disposal, as of the effective date of this Rule unless otherwise specified in the existing permit.

(b) Operations must be in compliance with Rule .0566 of this Section as of the effective date of this Rule.

(c) Existing demolition landfills must comply with the siting criteria requirements of these Rules as of January 1, 1998 or cease operations and close in accordance with these Rules.

History Note: *Authority G.S. 130A-294; 130A-301;*
Eff. January 4, 1993.

15A NCAC 13B .0564 SITING CRITERIA FOR LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS

The following siting criteria shall apply for Land Clearing and Inert Debris (LCID) landfills:

(1) Facilities or practices, shall not be located in the 100-year floodplain.

(2) Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.

(3) Facilities or practices shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17 which is hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Solid Waste Management, 401 Oberlin Road, Raleigh, North Carolina 27605 where copies can be obtained at no cost.

(4) Facilities or practices shall not damage or destroy an archaeological or historical site.

(5) Facilities or practices shall not cause an adverse impact on a state park, recreation or scenic area, or any other lands included in the state nature and historic preserve.

(6) Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).

(7) It must be shown that adequate suitable soils are available for cover, either from on or off site.

(8) Land Clearing and Inert Debris landfills shall meet the following surface and ground water requirements:

(a) Facilities or practices shall not cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), under Section 402 of the Clean Water Act, as amended.

(b) Facilities or practices shall not cause a discharge of dredged materials or fill material into waters of the state that is in violation of the requirements under Section 404 of the Clean Water Act, as amended.

(c) Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards.

(d) Waste in landfills with a disposal area greater than two acres shall be placed a minimum of four feet above the seasonal high water table, except where an alternative separation is approved by the Division.

(e) Waste in landfills with a disposal area less than two acres shall be placed above the seasonal high water table.

(9) The facility shall meet the following minimum buffer requirements:

(a) 50 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212.

(b) 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells.

(c) Buffer requirements may be adjusted as necessary to insure adequate protection of public health and the environment.

(10) The facility shall meet all requirements of any applicable zoning ordinance.

History Note: *Authority G.S. 130A-294;*
Eff. January 4, 1993.

15A NCAC 13B .0565 APPLICATION REQUIREMENTS FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS

Five sets of plans, maps, and reports shall be required with each application. The seal of a professional engineer is required when submitting plans for a Land Clearing and Inert Debris (LCID) landfill.

(1) The following information is required in order to review and approve the siting of a Land Clearing and Inert Debris (LCID) landfill:

(a) An approval letter from the unit of local government having zoning authority over the area where the facility is to be located stating that the site meets all of the requirements of the local zoning ordinance, or that the site is not zoned.

(b) Location on a county road map.

(c) Information showing that the bottom elevation of the waste shall be four feet above the seasonal high water table. Seasonal high water table elevations shall be obtained from on site test borings, test pits, or from other geological or water table investigations, studies, or reports from the immediate area of the proposed facility.

(d) A written report indicating that the facility shall comply with all the requirements set forth under Rule .0564 of this Section.

(e) A copy of the deed or other legal description of the site that would be sufficient as a description in an instrument of conveyance, showing property owner's name.

(f) Any other information pertinent to the suitability of the proposed facility.

(2) The following shall be provided on a map or aerial photograph with a scale of at least one inch equals four hundred feet showing the area within one-fourth mile of the site:

(a) Entire property or portion thereof owned or leased by the person providing the disposal site.

(b) Location of all homes, buildings, public or private utilities, roads, wells, watercourses, water or other impoundments, and any other applicable features or details.

(c) 100-year flood plain boundaries, if any.

(d) Wetland boundaries, if any.

(e) Historical or archaeological sites, if any.

(f) Park, scenic, or recreation area boundaries, if any.

(3) Development and design plans and details, at a scale of at least one inch equals one hundred feet with one inch equals forty feet preferred, and specifications containing the following information shall be submitted with the application for a proposed Land Clearing and Inert Debris (LCID) landfill:

(a) Property or site boundary, fully dimensioned with bearings and distances, tied to North Carolina grid coordinates where reasonably feasible.

(b) Easements and right-of-ways.

(c) Existing pertinent on site and adjacent structures such as houses, buildings, wells, roads and bridges, water and sewer utilities, septic fields, and storm drainage features.

(d) Proposed and existing roads, points of ingress and egress along with access control such as gates, fences, or berms.
(e) Buffer and set back lines along with the buffered boundary or feature.
(f) Springs, streams, creeks, rivers, ponds, and other waters and impoundments.
(g) Wetlands, if any.
(h) Boundary of the proposed waste area.
(i) Existing topography with contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify existing topographic conditions.
(j) Proposed excavation, grading, and final contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading. Excavation, grading, and fill material side slopes shall not exceed three to one (3:1).
(k) Where on site borrow for operational and final cover is proposed, indicate the borrow excavation and grading plan with contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading.
(l) Proposed surface water control features and devices such as slope drains, storm water pipes, inlets, culverts, and channels.
(m) Information showing that the project meets the requirements of 15A NCAC 4, Sedimentation Control Rules.
(n) Location of test borings or test pits, if used to determine the seasonal high water table elevation, shall be shown on the plans.
(o) A minimum of two cross-sections, one each along each major axis, per operational area showing:
(i) Original elevations.
(ii) Proposed excavation.
(iii) Proposed final elevations.

(4) An operational plan addressing the requirements under Rule .0566 of this Section and containing the following information shall be submitted with the application for a proposed Land Clearing and Inert Debris (LCID) landfill:
(a) Name, address, and phone number of individual responsible for operation and maintenance of the facility.
(b) Projected use of the land after completion.
(c) Description of systematic usage of disposal area, operation, orderly development and closure of the landfill.
(d) Type, source, and quantity of waste to be accepted.
(e) An emergency contingency plan, including fire fighting procedures.

History Note: *Authority G.S. 130A-294;*
Eff. January 4, 1993.

15A NCAC 13B .0566 OPERATIONAL REQ. FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS

Land Clearing and Inert Debris (LCID) landfills shall meet the following operational requirements:

(1) Operational plans shall be approved and followed as specified for the facility.
(2) The facility shall only accept those solid wastes which it is permitted to receive.
(3) Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.
(4) Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
(5) 120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. The Division may require further action in order to correct any condition which is or may become injurious to the public health, or a nuisance to the community.
(6) Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
(7) Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
(8) The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall 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.

(9) Access roads shall be of all-weather construction and properly maintained.

(10) Surface water shall be diverted from the working face and shall not be impounded over waste.

(11) Solid waste shall not be disposed of in water.

(12) Open burning of solid waste is prohibited.

(13) The concentration of explosive gases generated by the facility shall not exceed:

(a) Twenty-five percent of the lower explosive limit for the gases in facility structures.

(b) The lower explosive limit for the gases at the property boundary.

(14) Leachate shall be properly managed on site through the use of current best management practices.

(15) Should the Division deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter.

(16) A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number. The permit number requirement is not applicable for facilities not requiring an individual permit.

History Note: *Authority G.S. 130A-294;*
Eff. January 4, 1993.