Doc ID: 003454700011 Type: CRP
Recorded: 04/10/2012 at 01:32:19 PM
Receipt#: 2011-00007248
Fee Amt: $26.00 Page 1 of 11
Revenue Tax: $0.00
Instr# 201100009207
Halifax, NC
Judy Evans-Barbee Register of Deeds
BK 2372 PG 239-249

Ann D. Williams, Deputy

RF 26.00

NOTE: THE SPACE ABOVE IS FOR THE REGISTER OF DEEDS USE

THIS PAGE IS PROVIDED FOR RECORDATION PURPOSES. THE **ENTIRE DOCUMENT**, INCLUDING THIS PAGE, SHOULD BE RECORDED IN THE GRANTOR INDEX UNDER THE NAME OF THE LANDOWNER FOR THE PARCEL OF PROPERTY LOCATED IN HALIFAX COUNTY AND SAID PROPERTY BEING OWNED BY HALIFAX COUNTY AND FURTHER IDENTIFIED BY THE DEEDS RECORDED AS LISTED BELOW:

PERMIT TO OPERATE

Halifax County, N.C. Register of Deeds						
Book	Page	Plat Cabinet/Page	Grantee (sold to)	Grantor (sold from)	Acres	Parcel No.
1131	298	10/41	Halifax County	Dennis Austin Rose, Jr. and Jane R. Rose	103.4	0200310
1501	548	4/72	Halifax County	William A. Stansbury	42.15	0200572
1501	551	4/72	Halifax County	William Dow Bryant	44.02	0200561
1523	77	5/197	Halifax County	Linda P. Warren and Thomas Braxton Warren	13	0200365
1649	602	5/323	Halifax County	H.T. Hawkins, Jr. and Selma J. Hawkins	30	0200597
					Total Site Acreage: 231.44 acres	

THE PURPOSE OF THIS RECORDATION IS TO NOTIFY FUTURE BUYERS OF SAID PROPERTY THAT A SANITARY LANDFILL HAS OPERATED ON THE PROPERTY.

✓Legal

I do hereby certify that the attached PERMIT TO OPERATE is an exact and true original of PERMIT NUMBER 4204-INDUS-1994 for the Halifax County Coal Ash Landfill.

Edward F. Mussler, III, P.E.
Permitting Branch Supervisor
Solid Waste Section
Division of Waste Management

North Carolina
Wake County

I, Betty Jo Stanfield, Notary Public for Wake County, North Carolina, do hereby certify that Edward F. Mussler, III, Supervisor of the Permitting Branch, Solid Waste Section, Division of Waste Management, NCDENR, personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal,

This the 27 day of March, 2012.

OFFICIAL SEAL

Betty Jo Stanfield
NOTARY PUBLIC

Betty Jo Stanfield NOTARY * * * PUBLIC Wake County, NC

My commission expires December 29, 2014.

Note to Register of Deeds: This certified original permit shall be recorded by the Register of Deeds and indexed in the grantor index under the name of the land owner. The certified original affixed with the Register's seal and the date, book, and page number of recording shall be returned to the Permitting Branch Supervisor, Division of Waste Management, Solid Waste Section, 1646 Mail Service Center, Raleigh, NC 27699-1646.

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

INDUSTRIAL SOLID WASTE LANDFILL
Permit No. 4204-INDUS-1994

HALIFAX COUNTY
is hereby issued a

PERMIT TO OPERATE
HALIFAX COAL ASH LANDFILL
CELLS 1 AND 2

Located at 921 Liles Road, southeast of Littleton, Halifax 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 legal description of the site is identified on the deeds recorded for this property listed in Attachment No. 1 of this permit.

cn=Edward F. Mussler III, P. E., o=Solid Waste Section, ou=NC DWM, email=ed. mussler@ncdenr.gov, c=US
2012.03.27 14:06:25 -04'00'

Edward F. Mussler, III, P.E.,
Permitting Branch Supervisor
Solid Waste Section

BOOK 2372 PAGE 242

ATTACHMENT 1

PART I: PERMITTING HISTORY

Permit Issuance	Date	Doc ID
Original Issue PTC – Phase 1	May 12, 1993	9962
PTO Cell 1	February 17, 1994	9963
PTC Cell 2	May 17, 1996	9964
PTO Cell 2	May 15, 2000	9965

1. The property containing the coal ash landfill also contains a closed construction and demolition debris (C&D) landfill unit, a closed municipal solid waste (MSW) landfill, and an active C&D landfill operating on top of the closed MSW landfill. The active C&D landfill is permitted under Permit No. 4204-CDLF-1998. The facility also operates other solid waste management activities, as listed in the C&D landfill permit. The closed MSW landfill was permitted under Permit No. 4204-MSWLF-1981.
2. The original Permit to Construct for the coal ash landfill was recorded September 17, 1993, at the Halifax County Register of Deeds, Book 1581, Pages 374-382. Recorded deed is missing the property description.

PART II: LIST OF DOCUMENTS FOR APPROVED PLAN

1. *Site Suitability Study Application.* March 26, 1991.
2. *Site Suitability for Landfill Expansion.* June 5, 1991.
3. *Cell 1 Construction Plan, Operations Manual, CQA Plan, Design Report, Plan Drawings.* April 1992, revised through May 11, 1993.
4. *Cell 1 Construction Record Documentation Report.* Prepared by Hazen Sawyer. January 12, 1994, revised February 7, 1994.
5. *Cell 2 Construction Plan, CQA Plan, Permit Drawings.* October 12, 1995, revised through January 1996.
6. *Cell 2 Construction Record Documentation Report and Record Drawings.* Prepared by Hazen Sawyer. April 24, 2000.
7. *Application for Permit Renewal (Amendment).* Prepared by Richardson Smith Gardner & Associates, Raleigh, NC. November 29, 2011. Doc ID 15675.

PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Halifax County, N.C. Register of Deeds						
Book	Page	Plat Cabinet/Page	Grantee (sold to)	Grantor (sold from)	Acres	Parcel No.
1131	298	10/41	Halifax County	Dennis Austin Rose, Jr. and Jane R. Rose	103.4	0200310
1501	548	4/72	Halifax County	William A. Stansbury	42.15	0200572
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1649	602	5/323	Halifax County	H.T. Hawkins, Jr. and Selma J. Hawkins	30	0200597
Total Site Acreage: 231.44 acres						

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 Operate shall expire March 27, 2017. 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. This permit shall not be effective until the certified copy of this permit which references legal descriptions for all land within the solid waste management facility boundary is recorded in the Register of Deeds office and indexed in the grantor index under the name of the owner of the land in the county or counties in which the land is located. The certified copy of the permit, affixed with the Register's seal and the date, book, and page number of recording, must be returned to the Section within 30 calendar days of issuance of this permit. If the Section does not receive the certified copy of the recorded permit within 30 calendar days of issuance of the permit, then and in that event, the permit is suspended and of no effect until the date the Section receives the certified copy of the recorded permit.

4. When this property is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer must contain in the deed description section, in no smaller type than that used in the body of the deed or instrument, a statement that the property has been used as a sanitary landfill and a reference by book and page to the recordation of the permit.

5. By beginning construction or receiving waste at this facility the permittee shall be considered to have accepted the terms and conditions of this permit.

6. Construction and operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of 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 identified in Attachment 1, "List of Documents for Approved Plan," which constitutes 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 sedimentation and erosion control, and a General or Individual National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit, if applicable. 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

1. Prior to construction of future cells or phases, a Permit to Construct application must be submitted for approval to the Section. The application must be prepared in accordance with applicable statutes and rules in effect on that date and will be subject to a permitting fee.

- End of Section -

ATTACHMENT 3
CONDITIONS OF OPERATING PERMIT

PART I: OPERATING CONDITIONS

1. The Permit to Operate shall expire March 27, 2017. Pursuant to 15A NCAC 13B .0201(g), no later than November 27, 2016, the permittee 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. This permit approves the continued operation of Cells 1 and 2 of the landfill, as well as the onsite environmental management and protection facilities as described in the approved plans. Operation of future phases or cells requires written approval of the Section after documentation has been submitted that the area has been constructed in accordance with applicable statutes and rules.

3. The gross capacity of the ash landfill is approximately 2.7 million cubic yards, and encompasses approximately 36 acres of actual disposal area. Cells 1 and 2 together consist of approximately 21 acres. The final approved maximum elevation of the ash landfill is approximately 382 feet, with side slopes of 4:1 and a slope of 4% on the center portion, as shown on the approved drawings Attachment I, Part II, Document 3.

4. The permittee must maintain permanent markers that accurately identify the edge of the approved waste disposal boundary.

5. The coal ash landfill is permitted to receive only coal combustion by-products in accordance with the approved plan. Municipal solid waste, construction and demolition debris waste, land clearing and inert debris, hazardous waste, special waste, and liquid waste are prohibited from disposal in the coal ash landfill.

6. The landfill is permitted to receive waste only from the coal-fired power plant in Weldon, NC.

7. The facility operator must complete an approved operator training course in compliance with G.S. 130A-309.25.

    a. A responsible individual certified in landfill operations must be on-site during all operating hours of the facility while open for public use to ensure compliance with operational requirements.

b. All pertinent landfill-operating personnel must receive training and supervision necessary to properly operate the landfill units in accordance with G.S. 130A-309.25 and addressed by memorandum dated November 29, 2000.

8. Ash which has been placed to final elevations around the perimeter of the facility must be covered with a minimum of 12 inches of soil. Final cover and seeding must be implemented within 30 days of an area reaching final grade.

9. Financial assurance must be continuously maintained for the duration of the facility in accordance with NCGS 130A 295.2. The owner and operator must annually adjust cost estimates for inflation.

10. 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. 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.

11. 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.

12. 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.

13. An updated closure and post-closure plan must be submitted for approval at least ninety (90) days prior to closure or partial closure of any landfill unit. The plan must include all steps and measures necessary to close and maintain the facility in accordance with all rules in effect at that time. At a minimum, the plan must address the following:

    a. Design of a final cover system which minimizes infiltration into the waste and supports vegetation;
    b. Construction and maintenance/operation of the final cover system, erosion control structures, and leachate management system;
    c. Surface water, groundwater, and effluent monitoring.

PART II: MONITORING AND REPORTING REQUIREMENTS

14. Groundwater, surface water, basin effluent, and stream sediment locations must be established and monitored as identified in the approved plans. Sampling and analysis must be performed at least semi-annually or as directed by the Solid Waste Section

hydrogeologist. Any proposed modification to an approved plan must be submitted to the Section and approved prior to implementation.

15. Semiannual sampling events must also include a visual inspection of the stream sediments below the sedimentation basin effluent to evaluate potential ash migration. Inspection results should be noted in each sampling and analysis report.

16. A licensed geologist must be present to supervise the installation of groundwater monitoring wells. The exact locations, screened intervals, and nesting of the wells must be established after consultation with the Section Hydrogeologist at the time of well installation.

17. The permittee must obtain approval from the Section for the design, installation, and abandonment of any groundwater monitoring well.

18. Monitoring reports of the analytical results for surface water, groundwater, basin effluent, and stream sediment monitoring sampling events must be submitted to the Section within 120 days of the sample collection date. Analytical laboratory data must be submitted in electronic portable document format (pdf) and in a spreadsheet format in an Electronic Data Deliverable (EDD) Template. All monitoring reports must contain:

    a. a potentiometric surface map for the current sampling event,

    b. analytical laboratory reports and summary tables,

    c. a completed Solid Waste Environment Monitoring Data Form, and

    d. laboratory data submitted in accordance with the EDD Template.

19. A readily accessible unobstructed path must be maintained so that groundwater monitoring wells, surface water, basin effluent, and stream sediment sampling locations are accessible using four-wheel drive vehicles.

20. Documentation of well completion, development details, repair, abandonment, and all other pertinent activities associated with each groundwater well must be maintained in the facility operating record. The permittee must maintain a record of all groundwater, surface water, and landfill gas monitoring events and analytical data in the operating record.

21. Within 30 days of completed construction of each new groundwater monitoring well, a well construction record (on Form GW-1), well schematic, boring log, field log and notes, and description of well development activities must be submitted to the Section. The submittal must also include a scaled topographic map, showing the location and identification of new, existing, and abandoned wells and piezometers.

22. Within thirty (30) days of the abandonment of any groundwater monitoring well, the well abandonment record (GW-30 form) and any additional information included in the abandonment record must be certified by a Licensed Geologist, and submitted to the Section. A copy of the well abandonment records submitted to the Division of Water Quality, consistent with 15A NCAC 2C .0114(b), must be submitted to the Section.

23. All forms, reports, maps, plans, and data submitted to the Section must include an electronic (pdf) copy.

REPORTING AND RECORDKEEPING

24. 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.

25. The owner or operator must maintain daily records of the amount of waste received. Scales must be used to weigh the amount of waste received. The daily reports are to be summarized into a monthly report for use in the required annual reports.

26. On or before August 1 annually, the Permittee must submit an annual facility report to the Section, on forms prescribed by the Section.

    a. The reporting period shall be for the previous year beginning July 1 and ending June 30.

    b. The annual facility report must list the amount of waste received in tons and be compiled:
        i. On a monthly basis.
        ii. By specific waste type.
        iii. By disposal location within the facility.

    c. A measurement of volume utilized in the landfill cells must be performed during the second quarter of the calendar year. The date and volumes, in cubic yards, must be included in the report.

    d. The amount of waste, in tons from scale records, disposed in landfill cells from February 17, 1994 through the date of the annual volume survey must be included in the report.

    e. The completed report must be forwarded to the Regional Environmental Senior Specialist for the facility by the date due on the prescribed annual facility report form.

- *End of Permit Conditions* -