



Facility Permit No: 43-E  
Barnhill McArtan LCID Landfill  
Permit to Construct and Operate  
February 19, 2010  
Doc ID No. 9745  
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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 CLEARING AND INERT DEBRIS (LCID) LANDFILL  
PERMIT NO. 43-E**

**BARNHILL CONTRACTING COMPANY**  
is hereby issued a

**PERMIT TO CONSTRUCT**  
BARNHILL/MCARTAN MINE SITE LCID LANDFILL  
PHASE 1  
and

**PERMIT TO OPERATE**  
BARNHILL / MCARTAN MINE SITE LCID LANDFILL  
PHASES I, IN ACCORDANCE WITH ATT. 2, PART I, CONDITION 3

Located south side of Josey Williams Road (NCSR 2027), in Bunnlevel, Harnett 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.

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

## ATTACHMENT 1

### PART I: PERMITTING HISTORY

Permit	Date
Date of LCID Notification Approval	August 29, 2001
Original Permit to Construct – Phase 1	April 17, 2002
Permit Amendment - Phase 1- Permit to Construct/Operate	February 19, 2010

### PART II: LIST OF DOCUMENTS FOR THE APPROVED PLAN

1. *LCID Permit Renewal, Barnhill Contracting Company, Landfill Permit No. 43-E, McArtan Site.* Prepared by: ESP Associates, P.A., Charlotte, NC. Prepared for: Barnhill Contracting Company, Fayetteville, NC. September 22, 2008. Doc ID 9504, revised July 9, 2009, Doc ID 9505.
2. *DWM Technical Comments*, November 10, 2008, Doc ID 6205.
3. *Facility's Technical Responses and later email amendments*, August 5, 2009, Doc ID 8723, e-mail correspondence from July 7, 2009 to January 29, 2010, Doc ID 9514.

### PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Property	Book	Page	Acreage	Grantor	Grantee
Original Permit	762	758-761	40.93 Tract	Alvin R. McArtan and wife, Charlotte C. McArtan	Cumberland Paving Company.
<b>Total Site Acreage:</b>			<b>5.85 for Phase 1</b>		

Note: Deed book reference is from Harnett County, NC Register of Deeds office. Cumberland Paving Company is owned by Barnhill Contracting Company.

#### **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(e), a land clearing and inert debris solid waste management facility permit may be combined in two parts: a Permit to Construct and a Permit to Operate. The Permit to Construct shall expire February 19, 2015. The Permit to Construct conditions are contained in Attachment 2 of this permit. The Permit to Operate shall expire February 19, 2015. The Permit to Operate conditions are contained in 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 unless the certified copy is filed 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 Division of Waste Management, within 30 (thirty) calendar days. 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 land clearing and inert debris 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. The 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 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

#### PART I: FACILITY SPECIFIC CONDITIONS

1. Pursuant to the NC Solid Waste Management Rules (Rule) 15A NCAC 13B .0201(c) and (e), this permit approves further construction of Phase 1 of the Barnhill McArtan Site LCID Landfill. 2.07 acres of Phase 1 has been used for LCID disposal.
  
2. The Phase 1 landfill is permitted for a remaining net capacity of 52,000 cubic yards, based on 5000 cubic yards per year. Net capacity is the measured volume between the bottom of waste and the up to the bottom of top final cover. Development of the landfill is approved as summarized below:

	Remaining Acreage	*Net Remaining Capacity	Status
		(cubic yards)	
Phase I	3.78	52,000	Permitted
Phase II	3.66	28,000	**Pending
Totals	7.44	80,000	--

\*Net capacity pertains to LCID waste capacity only. Additional clean fill must be added to specific buffers and also meet the four (4) feet vertical separation requirements between the seasonal high water table and the bottom of the LCID waste according to Drawing No.'s 4 and 5 by ESP Associates, P.A. , August 4, 2009. Prior to adding clean soil, vegetation shall be removed.

\*\*Once Phase 1 is completed (filled with LCID waste), an additional Permit application must be submitted to the Department for review and approval prior to the Construction and Operation of Phase 2.

3. The following are required prior to receiving solid waste in the remainder of Phase 1:
  - a. Written certification from a North Carolina Registered Professional Engineer must be submitted to the Section certifying that the waste disposal unit(s) has been constructed in accordance with the approved plans.

- 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. The disposal unit boundary must be accurately identified with permanent markers.
- d. Additional clean fill must be added to specific buffers and also meet the four (4) feet vertical separation requirements between the seasonal high water table and the bottom of the LCID waste according to Drawing No.'s 4 and 5 by ESP Associates, P.A. , August 4, 2009, Doc ID 8723. Prior to adding clean soil, vegetation shall be removed.
- e. A site inspection and pre-operative meeting must be conducted by a representative of the Section. The permittee must notify the Section's Environmental Senior Specialist and make arrangements for the site inspection and pre-operative meeting.
- f. After completion of the requirements in subparagraphs a. through e. above, the Section Environmental Senior Specialist shall notify the Permitting Branch Supervisor by letter or email that the pre-operative requirements have been met and that the unit(s) may commence receiving waste. The permittee will be copied on the notification and may begin receiving waste at that time.

#### **EROSION AND SEDIMENTATION CONTROL REQUIREMENTS**

- 4. 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.
- 5. 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.
- 6. Modifications to the approved sedimentation and erosion control activities require approval by the North Carolina Land Quality Section. The permittee must notify the Section of any sedimentation and erosion control plan modifications.

- End of Section -

## **ATTACHMENT 3**

### **CONDITIONS OF PERMIT TO OPERATE**

#### **PART I: FACILITY SPECIFIC CONDITIONS**

1. This Permit to Operate expires February 19, 2015. Pursuant to 15A NCAC 13B .0201(g), no later than October 15, 2014, the owner or operator must submit a request to the Section for permit review and must submit updated facility plans meeting the requirements of Rule 0.565 and .0566.
2. This facility must conform to the operational requirements of the NC Solid Waste Management Rules, 15A NCAC 13B .0566, and to the operational plan required by 15A NCAC 13B .0565(4).
3. This Permit to Operate authorizes the continued operation of for the remainder of Phase I at the LCID Landfill.
4. This facility is permitted to receive land clearing waste; yard trash; untreated and unpainted wood; uncontaminated soil; inert debris such as unpainted rock, brick, concrete, and concrete block; and asphalt in accordance with NCGS 130-294(m).
5. The facility has an average disposal rate of 5,000 cubic yards per year for the landfill. The proposed facility boundary remains the same as in the original permit.
6. This facility is permitted to receive waste generated within Harnett County. Proposed changes to the service area must be submitted to the Section for review prior to any changes in accordance with Condition No. 10 of this Attachment
7. The permanent markers that accurately delineate the waste disposal boundary must be maintained.
8. Excavation, grading and fill material side slopes must not exceed a ratio of three horizontal feet to one vertical feet (3:1).
9. Open burning of land clearing waste 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 of the occurrence. The report must include the cause, the location(s) on the premises, the dimensions and volume of material involved, a description of emergency response activities with results, and a

description of mitigation measures implemented to reduce or eliminate conditions leading to the fire. Other conditions may be required based on the severity or nature of the fire.

10. Revisions to the design or operation of the facility or changes to the facility service area must be submitted to the Section for review and approval prior to the implementation of any changes. Revisions or changes that require modification to the permit will be subject to the appropriate permitting fee.
11. Sampling of explosive landfill gas from Monitor Well 1 shall be implemented within one (1) month of issuance of this permit and shall be sampled quarterly for one year and semi-annual thereafter. Records shall be maintained by the owner. The concentration of explosive gases generated by the facility shall not exceed twenty-five percent of the lower explosive limit for gases in facility structures and the lower explosive limit for the gases at the property boundary. If exceedances do occur, then the owner shall adhere to similar landfill gas rules as specified in 15A NCAC 13B .0543(d). Installation of additional landfill gas wells is not necessary at this time, but may be required at a future date, depending on when future Phase 2 receives LCID waste and if there are any gas detections from existing landfill gas MW-1.
12. Amendments or revisions to the NC General Statutes or to the NC Solid Waste Management Rules or any violation of ground water standards may necessitate modification of the approved design or operation plans, waste acceptance requirements or may require closure of the facility.

### **Cover Material Requirements**

11. Solid waste must be covered with 1 foot of suitable soil cover at least once per month or when the active area reaches 1 acre in size, whichever occurs 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.
12. The facility must maintain a supply of cover material adequate to cover the working face in case of an emergency or fire, at all times.
13. Vegetative ground cover sufficient to control erosion must be established within 30 (thirty) working days upon completion of any phase of LCID landfill development or as addressed in the approved Sedimentation and Erosion Control permit.
14. Within 120 calendar days after completion of the final disposal operations, the disposal area must be closed and covered with a minimum of 1 foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. However, for ditches with depths

greater than 6 inches and widths less than 3 feet located on the landfill, at least 2 feet of soil is required between the bottom elevation of the ditches and the waste mass.

### **Drainage Control and Water Protection Requirements**

15. All required sedimentation and erosion control measures must be installed and maintained to mitigate excessive on-site erosion and to prevent silt from leaving the site of the landfill unit during the service life of the facility.
16. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L.
17. Solid waste must be placed a minimum of four feet above the seasonal high water table.
18. Solid waste must not be disposed in standing water. Surface water must be diverted away from the operational area and must not be impounded over or in waste.
19. Leachate must be properly managed on site using best management practices.

*- End of Permit Conditions*

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I do hereby certify that the attached PERMIT TO CONSTRUCT AND OPERATE is an exact and true original of PERMIT NUMBER 43-E for the Barnhill/McArtan Mine LCID Landfill.

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

North Carolina

\_\_\_\_\_ County

I, \_\_\_\_\_, Notary Public for \_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

OFFICIAL SEAL

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires \_\_\_\_\_, 20\_\_\_\_\_.

**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.

**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  
 HARNETT COUNTY AND SAID PROPERTY BEING OWNED BY CUMBERLAND  
 PAVING COMPANY AND FURTHER IDENTIFIED BY THE DEEDS RECORDED AS  
 LISTED BELOW:

<b>Property</b>	<b>Book</b>	<b>Page</b>	<b>Acreage</b>	<b>Grantor</b>	<b>Grantee</b>
	762	758-761	40.93 Tract	Alvin R. McArtan and wife, Charlotte C. McArtan	Cumberland Paving Company.
<b>Total Site Acreage:</b>			<b>5.85 for Phase 1</b>		

Note: Deed book reference is from Harnett County, NC Register of Deeds office. Cumberland Paving Company is owned by Barnhill Contracting Company.

THE PURPOSE OF THIS RECORDATION IS TO NOTIFY FUTURE BUYERS OF SAID PROPERTY THAT A SOLID WASTE MANAGEMENT ACTIVITY HAS OPERATED ON THE PROPERTY.