

April 3, 2013

Permit No.	Date	DIN
<b>06-01</b>	<b>April 4, 2013</b>	<b>18779</b>

Mr. Allen Gaither  
NCDENR – Asheville Regional Office  
Division of Waste Management – Solid Waste Section  
2090 U.S. 70 Highway  
Swannanoa, NC 28778

RECEIVED  
**April 3, 2013**  
Solid Waste Section  
Asheville Regional Office

**RE: Parcel Information Verification – Closed MSW Landfill  
NC Solid Waste Permit No.06-01  
Avery County, North Carolina**

Dear Mr. Gaither:

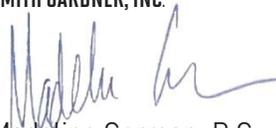
In response to your March 25, 2013 email, Smith Gardner, Inc. (S+G) is pleased to present you with the parcel verification information for the closed Avery County MSW Landfill located at 440 Brushy Creek Road in Ingalls, North Carolina. We understand that this request should be confirmation of the property deed, the solid waste permit, and the site boundaries as needed for recordation of the solid waste permit.

To better confirm the property information, we have included the following:

- Property Deeds;
  - Parcel ID: 181100431139, Book: 172, Page: 837
  - Parcel ID: 181100422706, Book:180, Page: 567
- Solid Waste Permit,
- Aerial Site Map; and
- A site survey prepared by Appalachian Professional Land Surveyors and Consultants PA, dated April 13, 2010.

We hope this provides the needed information to complete a certified copy of the solid waste permit by NCDENR. Please feel free to contact us with questions or comments at (919) 828-0577 or by email below.

Sincerely,  
**SMITH GARDNER, INC.**



Madeline German, P.G  
Project Geologist, ext. 222  
[madeline@smithgardnerinc.com](mailto:madeline@smithgardnerinc.com)



Stacey Smith, P.E.  
Project Manager, ext. 127  
[stacey@smithgardnerinc.com](mailto:stacey@smithgardnerinc.com)

mmg/sas

attachments

Cc: Henry "Buddy" Norris, Avery County  
Deb Aja, NCDENR  
File

H:\Projects\Avery County (NC)\General Engineering\3-29-13\_deed and map info\S+G Letter - Avery -- deed.docx

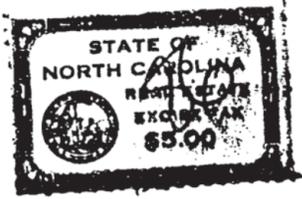
County Clerk

1720837

FILED #

1986 APR -9 AM 11: 28

RONALD WENFIELD  
REGISTER OF DEEDS  
AVERY COUNTY, N.C.



Excise Tax \$5.00

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.  
Verified by County on the day of , 19  
by

Mail after recording to Hemphill & Gavenus • Attorneys at Law  
Post Office Drawer 758 • Newland, North Carolina 28657 • (704) 733-6004  
This instrument was prepared by Hemphill & Gavenus (WITHOUT TITLE OPINION)  
Brief description for the Index 8.68 acre tract-LANDFILL SITE

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 3rd day of April, 1986, by and between

GRANTOR  
EOLIA RESOURCES, INC.,  
formerly known as  
Harris Mining Company

GRANTEE  
THE COUNTY OF AVERY,  
a body politic and corporate and  
political subdivision of the  
State of North Carolina

(See Articles of Amendment filed in  
Deed Book 172, Page 670, Avery County  
Registry.)

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of \_\_\_\_\_ Township, Avery County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE

ADOPTED HEREIN AS IF FULLY SET FORTH

Property Transfer Card Made

Date 4-9-86

Taxes Paid Through 1985

By J.M.C. Date 4/9/86

835 RV 2

County West  
K018

1800567

FILED #  
1987 MAR -2 PM 1:46  
COUNTY CLERK  
REGISTER OF DEEDS  
AVERY COUNTY, N.C.



Excise Tax \$15.00

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.  
Verified by County on the day of , 19  
by

Mail after recording to Hemphill & Gavenus  
Post Office Box 758, Newland, North Carolina 28657

This instrument was prepared by Kathryn G. Hemphill

Brief description for the Index 6.02 acs. Toe River Township

### NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 16th day of February, 1987, by and between

**GRANTOR**  
  
**UNIMIN CORPORATION,**  
a Delaware Corporation

**GRANTEE**  
  
The County of Avery, a body  
politic and corporate subdivision  
of the State of North Carolina

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of \_\_\_\_\_, **Toe River** Township, **Avery** County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and by reference incorporated herein.

Property Transfer Card Made  
N.C. Bar Assoc. Form No. 6-C-1977 - James W. Hume & Co., Inc. Box 127, Yadkinville, N.C. 27055  
By D.B. Date 3-2-87  
Times Paid Through 1986  
mbo 5/2/87



North Carolina Department of Human Resources  
Division of Health Services  
P.O. Box 2091 • Raleigh, North Carolina 27602-2091

C.F.  
Avery  
Permits

James G. Martin, Governor  
Phillip J. Kirk, Jr., Secretary

Ronald H. Levine, M.D., M.P.H.  
State Health Director

February 9, 1987

Mr. Jim Woodie  
Municipal Engineering Company, P.A.  
P.O. Box 97  
Garner, North Carolina 27529

RE: Amendment to Construction Plans  
Avery County Sanitary Landfill  
Permit No. 6-01

Dear Mr. Woodie:

The enclosed plan amendment for the referenced site is approved in accordance with G.S. 130A-294, subject to the revised conditions of the permit.

If there are any questions or comments, please call me at (919) 733-2178.

Sincerely,

James C. Coffey, Environmental Engineer  
Solid & Hazardous Waste Management Branch  
Environmental Health Section

JCC/nlp

cc: Mr. Julian Foscue  
Mr. Sam Ray

Enclosure

---



North Carolina Department of Human Resources  
 Division of Health Services  
 P.O. Box 2091 • Raleigh, North Carolina 27602-2091

James G. Martin, Governor  
 Phillip J. Kirk, Jr., Secretary

Ronald H. Levine, M.D., M.P.H.  
 State Health Director

CERTIFIED COPY OF SOLID WASTE PERMIT

I do hereby certify that the attached PERMIT is an exact and true copy  
 of Permit No. 6-01.

*William L. Meyer*

William L. Meyer, Head  
 Solid & Hazardous Waste Management Branch  
 Environmental Health Section

North Carolina

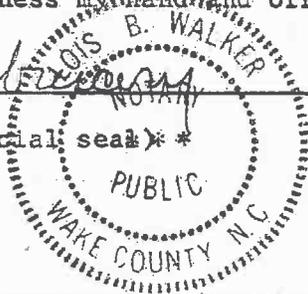
Wake County

I, Lois B Walker, a Notary Public for said  
 County and State, do hereby certify that William L. Meyer,  
 Head, Solid & Hazardous Waste Management Branch, Environmental Health Section  
 personally appeared before me this day and acknowledged the due execution  
 of the foregoing instrument.

Witness my hand and official seal, this the 9<sup>th</sup> day of

February, 1987.

(official seal) \*



*Lois B Walker*

Notary Public

My commission expires 1-29, 1990.

ADDENDUM TO PERMIT NO. 6-01

DATE ISSUED 2/9/87

STATE OF NORTH CAROLINA

DEPARTMENT OF HUMAN RESOURCES

DIVISION OF HEALTH SERVICES

P.O. Box 2091

Raleigh 27602

SOLID WASTE PERMIT

Avery County is hereby issued a permit to  
operate a Sanitary Landfill  
located on S.R. 1101

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 on the below described property.

(See Attached)

*William L. Meyer*

William L. Meyer, Head  
Solid & Hazardous Waste Management Branch  
Environmental Health Section

BEGINNING on the mouth of a 16-inch culvert that is located South 67° 36' 03" East, 1147.31 feet from a PK nail in the centerline of the Northern end of Morrison Airport; thence running North 07° 20' 00" West, 26.81 feet to a point in the Southern right-of-way of N.C.S.R. 1101; thence running with said right-of-way line North 73° 22' 50" East, 737.45 feet to a point; thence leaving said road South 20° 53' 50" East, 55.27 feet to an iron at a 16-inch Poplar; thence South 20° 53' 50" East, 171.44 feet to an iron at a 14-inch White Pine; thence South 37° 59' 50" West, 241.90 feet to an iron at a 24-inch White Pine; thence South 36° 37' 50" West, 327.78 feet to an iron at a 14-inch Double Spanish Oak; thence South 54° 22' 20" West, 184.41 feet to an iron at a 14-inch Poplar; thence North 68° 48' 50" West, 242.40 feet to an iron; thence North 30° 48' 30" West, 112.99 feet to an iron at a 10-inch White Pine; thence North 03° 11' 50" East, 224.28 feet to an iron at a fence post; thence North 07° 20' 00" West, 131.84 feet to the point of beginning; containing 8.68 acres, according to a survey by William E. Arrowood, R.L.S. Number L-1510, dated February 27, 1986, and being Map Number 86A-146.

For Deed reference see that certain instrument dated February 28, 1986 and recorded the same date in Deed Book 171, Page 1107, Avery County Registry, wherein the above-described real property is excepted as being the property of Harris Mining Company, a North Carolina Corporation.

**BEGINNING** at a point found in 60' right-of-way margin of Brushy Creek Road, N.C.S.R. 1101 (gravel) and Branch; thence running with the line of said Branch, the following courses and distances: S 07° 32' 00" E 2.08 feet; S 14° 36' 20" W 36.06 feet; S 06° 47' 50" E 79.89 feet; S 68° 15' 40" E 48.04 feet; S 16° 52' 00" E 70.87 feet; S 11° 35' 00" W 29.70 feet; S 70° 31' 30" W 24.10 feet; S 28° 43' 20" W 23.31 feet; S 27° 24' 30" E 45.00 feet; S 06° 46' 10" W 30.46 feet; S 22° 28' 20" E 44.73 feet; S 48° 53' 30" W 74.07 feet; S 10° 47' 30" E 26.13 feet; S 38° 52' 10" W 86.38 feet; and S 01° 05' 40" W 55.95 feet to a point found in centerline of Brushy Creek; thence leaving the line of the Branch and with the line of Brushy Creek S 56° 11' 40" W 158.01 feet to a point; and S 36° 51' 30" W 351.48 feet to a point; thence leaving the line of Brushy Creek N 83° 22' 40" W 19.95 feet to a point; N 83° 22' 40" W 383.80 feet to a point; N 83° 22' 40" W 22.26 feet to a point at the edge of an existing dirt road lying Due West of the present landfill, said road running in a North-South direction, leading from N.C.S.R. 1101, Brushy Creek Road; thence running with the edge of said dirt road N 30° 41' 10" E 57.56 feet to a point; N 22° 31' 10" E 19.64 feet to a point; N 08° 34' 40" E 27.72 feet to a point; N 06° 43' 20" W 36.41 feet to a point; N 27° 40' 00" W 105.30 feet to a point; thence leaving the edge of said road N 69° 05' 20" E 51.56 feet to a point in the line of the existing Avery County Landfill site; thence running with the said line of the Avery County Landfill S 69° 48' 50" E 242.40 feet to a point; N 54° 22' 20" E 184.41 feet to a point; N 36° 37' 50" E 327.78 feet to a point; N 37° 59' 50" E 241.90 feet to a point; N 20° 53' 50" W 171.44 feet to a point; N 20° 53' 50" W 55.27 feet to a point found in the 60' right-of-way margin of Brushy Creek Road, N.C.S.R. 1101 (gravel); thence leaving the line of the existing Avery County Landfill site and with the margin of Brushy Creek Road, N.C.S.R. 1101 (gravel) N 73° 52' 40" E 128.81 feet to the point of beginning. Containing 6.02 acres, Toe River Township, Avery County, as surveyed and platted by Municipal Engineering Services Co., P.A. on October 22, 1986, Drawing No. 86-102.

SOLID WASTE PERMIT

Conditions of Permit:

1. This permit may be subject to review at an administrative hearing upon petition of anyone whose legal rights, privileges and duties may have been affected by the issuance thereof.
2. This permit shall not be effective unless the certified copy is filed in the register of deeds' office, in the grantor index under the name of the owner of the land in the county or counties in which the land is located. After recordation, the certified copy shall be returned to the Solid & Hazardous Waste Management Branch and shall have indicated on it the page and book number, date of recordation and registrar's seal.
3. When this property is sold, leased, conveyed or transferred, 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 sanitary landfill.
4. This solid waste disposal site is permitted to receive solid waste as defined in 10 NCAC 10G, .0101(36), except that hazardous waste, liquid waste and any other wastes that may pose a threat to the environment or public health are prohibited from disposal at this site unless prior authorization is obtained from the Division of Health Services.
5. This permit is for construction according to attached plans. Any modification or deviation from the approved plans shall be approved by the North Carolina Solid and Hazardous Waste Management Branch.
6. Ground water monitoring wells and monitoring requirements:
  - a. Three additional wells shall be installed at locations as shown on construction plans.
  - b. Installation shall conform to DHS well standard (Attachment 1).
  - c. A well completion record shall be submitted to DHS for each monitoring well constructed (Attachment 2).
  - d. The location of the monitoring wells shall be physically located in the field and approved by DHS prior to the well being constructed.
  - e. Ground water monitoring wells shall be constructed and sampled and conform to specifications outlined in the N.C. Water Quality Monitoring Guidance Document for Solid Waste Facilities. Complete specifications will be finalized in the document which will be provided by DHS.
  - ~~f. Surface water sampling shall be performed at the locations specified on the construction plans.~~
  - g. Avery County shall sample monitoring wells and surface waters, semi-annually, for the first year and annually thereafter.
  - h. A readily accessible unobstructed path shall be initially cleared and maintained so that 4-wheel drive vehicles may have access to the monitoring wells.

7. This facility shall conform to operating procedures in Rule .0505 of the Solid Waste Management Rules.
  8. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L (Attachment 3).
-



PREPARED FOR:

**GIS PARCEL INFORMATION FIGURE**  
**AVERY COUNTY CLOSED MSW LANDFILL**  
**(PERMIT No. 06-01)**  
**AVERY COUNTY, NORTH CAROLINA**

PREPARED BY:

NC LIC. NO. C-8828 (ENGINEERING)  
**SMITH+GARDNER**  
 14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577

DRAWN:	K.C.B.	APPROVED:	S.A.S.	SCALE:	AS SHOWN	FIGURE NO.:	1
DATE:	Apr 2013	PROJECT NO.:	AVERY 12-5	FILENAME:	AVERY+B0201		

**REFERENCES**

1. ADJACENT PROPERTIES ARE FROM AVERY COUNTY GIS MAPPING DEPARTMENT.
2. PROPERTY LINE FROM FIELD SURVEY DATED APRIL 9, 2010, BY APPALACHIAN PROFESSIONAL LAND SURVEYORS & CONSULTANTS.





GPS control rebar  
N=813,751,4720  
E= 1,113,686,4880  
Z= 2793.90

GPS control rebar  
N=812,314,9830  
E= 1,113,221,7170  
Z= 2719.87

Unimin Corporation  
Deed Book 171 at page 1007

NCSR No. 1101 Brushy Creek Road

Unimin Corporation  
Deed Book 171 at page 1007

Unimin Corporation  
Deed Book 171 at page 1007

Total Area  
14.931 Acres

Unimin Corporation  
Deed Book 171 at page 1007

### Boundary Survey and Location of Gas Probes, Monitoring Wells & Utilities on the M.S.W. Landfill For The County of Avery

Toe River Township  
Avery County -- North Carolina

April 9, 2010

Scale is 1"=50' (1:600)  
0 50' 100' 150' 200'

Job No. 10003

#### Notes:

1. This is a survey for The County of Avery on the M.S.W. Landfill site showing the location and elevations of the gas probes and monitoring wells, and the location of other utilities, and structures located on the lands described by deeds recorded in Deed Book 172 at page 837 and Deed Book 180 at page 567 of the Avery County Public Registry.
2. Bearings are relative to the North Carolina Geodetic Survey (NAD 83(2007)) by GPS control and ties made to NCGS Monuments "Linville Falls" and "Cavern" and have been rounded to the nearest five seconds.
3. All distances are horizontal measurements and the area has been calculated by the coordinate geometry method.
4. The elevations are relative to Mean Sea Level and are based upon the elevation of Monument "Linville Falls".
5. Location of the boundary and improvements has been performed by traverse method and the ratio of precision of the unadjusted field traverse is not more than 1:50,000 and has been adjusted by the least squares method.

#### SURVEYOR'S CERTIFICATE

I, Donald H. McNeil, certify that this map was drawn under my supervision from an actual survey made under my supervision, that the ratio of precision as calculated is 1:50,000, that the boundaries not surveyed are clearly indicated with their source, and that this map was prepared in accordance with G.S. 17-30 as amended and that this survey is of an existing parcel of land and does not create a new street or change an existing street. Witness my original signature, registration number and seal this 4th day of April, 2010, at

Donald H. McNeil, P.L.S., L-2809



Appalachian Professional Land Surveyors & Consultants, PA  
1480 US Highway 421 South / Boone, North Carolina 28607 / (828) 264-0290

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