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April 11, 2013

NCDENR – Division of Waste Management
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Attention: Mr. Edward Mussler

Reference: Site Suitability Update
Green Recycling Solutions LLC – Maysville Proposed C&D Landfill
Maysville, North Carolina

ERM NC, Inc.

8000 Corporate Center Dr.
Suite 200
Charlotte, NC 28226
(704) 541-8345
(704) 541-8416 (fax)



Mr. Mussler:

In my recent letter, we indicated we would let you know when the Governor acted on Senate Bill 24. I am writing to let you know the Governor has signed that bill, and therefore, it has become law, amending G.S. 130A-295.6(d). A copy of the law is enclosed. I refer you to my previous letter regarding its application to this proposed facility.

The gameland buffer issue raised by the Division in Geoffrey Little's November 28, 2012 letter is addressed by Senate Bill 24. We trust the Division can now promptly act on the pending site suitability and indicate the site is suitable for the proposed C&D landfill and Green Recycling Solutions LLC can proceed in submitting an application for a permit to construct the landfill. I will plan to call and follow up once you have had time to review the attached. Thank you in advance for your time and look forward to talking with you soon.

Sincerely,

ERM NC, Inc.

David W. Wasiela, P.E.
Senior Engineer
NC Registration #20770

cc: Mr. James Maides – Green Recycling Solutions LLC (1)
Mr. Keith Johnson – Poyner & Spruill (1)
Mr. Geoff Little – NCDENR – Div Waste Manag. (1)

Attch: Senate Bill 24

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2013-25
SENATE BILL 24**

**AN ACT TO AMEND THE GAMELAND BUFFER REQUIREMENT APPLICABLE TO SANITARY
LANDFILLS FOR THE DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS
WASTE UNDER CERTAIN CONDITIONS.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-295.6 reads as rewritten:

"§ 130A-295.6. Additional requirements for sanitary landfills.

...
(d) The Department shall not issue a permit to construct any disposal unit of a sanitary landfill if, at the earlier of (i) the acquisition by the applicant or permit holder of the land or of an option to purchase the land on which the waste disposal unit will be located, (ii) the application by the applicant or permit holder for a franchise agreement, or (iii) at the time of the application for a permit, any portion of the proposed waste disposal unit would be located within:

- (1) Five miles of the outermost boundary of a National Wildlife Refuge.
- (2) One mile of the outermost boundary of a State gameland owned, leased, or managed by the Wildlife Resources Commission pursuant to ~~G.S. 113-306~~G.S. 113-306, except as provided in subdivision (2a) of this subsection.
- (2a) Five hundred feet of the outermost boundary of a State gameland owned, leased, or managed by the Wildlife Resources Commission pursuant to G.S. 113-306, when all of the following conditions apply:
 - a. The waste disposal unit will only be permitted to accept construction and demolition debris waste.
 - b. The disposal unit is located within the primary corporate limits of a municipality located in a county with a population of less than 15,000.
 - c. All portions of the gameland within one mile of the disposal unit are separated from the disposal unit by a primary highway designated by the Federal Highway Administration as a U.S. Highway.
- (3) Two miles of the outermost boundary of a component of the State Parks System.

...."

SECTION 2. This act is effective when it becomes law and applies to any application for a permit for a sanitary landfill for the disposal of construction and demolition debris waste pending on that date or submitted on or after that date.

In the General Assembly read three times and ratified this the 3rd day of April, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 4:45 p.m. this 9th day of April 2013