

State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Solid Waste Management



James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
William L. Meyer, Director

May 14, 1996

Mr. Robert B. Spivey, Mayor
Town of Windsor
P.O. Box 508
Windsor, North Carolina 27983

LCIDN08 Town of Windsor

Ref: Town of Windsor Land Clearing & Inert Debris Notification
site located in Windsor, Bertie County, North Carolina.
Described in the deed Recorded in BOOK: 693 PAGE: 77.

Mr. Spivey:

The Solid Waste Section has received your Land Clearing and Inert Debris landfill notification. As long as your disposal activities remain under 2 acres, you may operate under the provisions of this notification. If your landfill disposal activities grow in size to more than 2 acres, please contact the Solid Waste Section for assistance in obtaining an individual permit.

If 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 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.

Amendments or revisions to the Solid Waste Management Rules or violation of groundwater standards may necessitate modification of the construction and operation of this facility or closure of this facility.

This notification is not transferrable.

The Land Clearing and Inert Debris landfill shall receive only:

- Land Clearing Waste as provided for in 15A NCAC 13B .0101(72); stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.
- Inert Debris and untreated wood as provided for in 15A NCAC 13B .0101(73); concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood.

Fayetteville Regional Office

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Mr. Spivey
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- Used asphalt as provided for under North Carolina General Statute §130A-309.09B(a) (1); used asphalt or used asphalt mixed with dirt, sand, gravel, rock, and concrete.

Site preparation and construction shall be in accordance with 15A NCAC 13B .0564, Siting Criteria For Land Clearing and Inert Debris (LCID) Landfills.

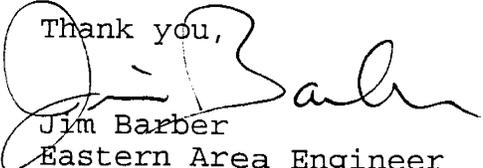
The facility must be operated in accordance with 15A NCAC 13B .0566, Operational Requirements for Land Clearing and Inert Debris (LCID) Landfills.

All sedimentation and erosion control activities shall be conducted in accordance with 15A NCAC 4, Sedimentation Control. Construction and operations involving sedimentation and erosion control activities greater than 1 acre typically require approval from the Land Quality Section. Contact the Land Quality Section to determine if your activities require approval.

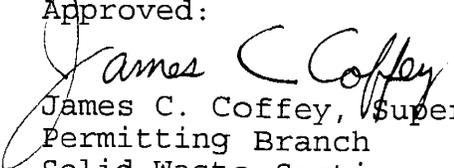
Ground water quality at this facility is subject to the classification and remedial action provisions of 15A NCAC 2L, Classifications and Water Quality Standards.

If you have any questions or if we can provide any other assistance, please do not hesitate to contact the Regional Environmental Technician, Mr. Joe Gallo at (910) 395-3900.

Thank you,


Jim Barber
Eastern Area Engineer
Solid Waste Section

Approved:


James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

copy: Terry Dover
Chuck Boyette
David Overton
Raleigh Central File: Bertie County LCID notification



LAND CLEARING AND INERT DEBRIS LANDFILL NOTIFICATION

Pursuant to 15A NCAC 13B .0563(2)(a), the land owner(s) and operator(s) of any Land Clearing and Inert Debris Landfill under two (2) acres in size shall submit this notification form to the Division prior to constructing or operating the landfill. This form must be filed for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification under the name of the owner(s) of the land in the county or counties in which the land is located. The Register's seal and the date, book, and page number of recording must be included on this form when submitted to the Division. **This notification is not valid to authorize operation of a landfill unless complete, accurate, recorded, and submitted to the Division as required by 15A NCAC 13B .0563(2)(b).**

1. Facility Name: Town of Windsor
2. Facility location (street address): Vaughan Lane
City: Windsor County: Bertie Zip: 27983
3. Directions to Site: Vaughan Lane intersects with U.S. 13-17 South
across from Hardee's Restaurant in the Town of Windsor.

4. The land on which this landfill is located is described in the deed recorded in:
deed book: 693 page: 77 county: Bertie
5. Name of land owner: Town of Windsor
6. Mailing address of land owner: P.O. Box 508
City: Windsor State: N.C. Zip: 27983
7. Telephone number of land owner: (919) 794-2331

If the land is owned by more than one person, attach additional sheets with the name, address, and phone number of all additional land owners.

8. Name of operator: Town of Windsor
9. Trade or business name of operator: Municipality
10. Mailing address of operator: P.O. Box 508
City: Windsor State: N. C. Zip: 27983
11. Telephone number of operator: (919) 794-2331

If the landfill is operated by more than one person, attach additional sheets with the name, address, and phone number of all additional operators.

12. Projected use of land after completion of landfill operations: Land to remain in the
name of the Town of Windsor and will be idle with anticipation
~~of using area again in the future for more landfill operations.~~

The following are the applicability, siting, and operating criteria for Land Clearing and Inert Debris Landfills operating under notification.

.0101 DEFINITIONS

- (72) "Land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.
- (73) "Land clearing and inert debris landfill" means a facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.
- (74) "Yard trash" means solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative materials.

.0563 APPLICABILITY REQUIREMENTS FOR LAND CLEARING AND 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 N.C.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 Rule .0563(2)(b). 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.

.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.

.0566 OPERATIONAL REQUIREMENTS FOR LAND CLEARING AND 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.

Certification by Corporate Land Owner:

I certify that the information provided by me in this notification is true, accurate, and complete to the best of my knowledge. The facility siting and disposal operations of this Land Clearing & Inert Debris landfill will comply with the requirements of Sections .0563, .0564 and .0566 of 15A NCAC 13B, North Carolina Solid Waste Management Rules. The facility and operations of this landfill will also comply with all applicable Federal, State, and Local laws, rules, regulations, and ordinances. Where the operator is different from the corporate land owner, the corporate land owner, has knowledge of the operator's plans to dispose of solid waste on the land and is specifically granted permission for the operation of the landfill. It is understood that both the corporate land owner and operator are jointly and severally liable for improper operations and proper closure of the landfill as provided for by North Carolina General Statute 130A-309.27. It is further understood that North Carolina General Statute 130A-22 provides for administrative penalties of up to five thousand dollars (\$5,000.00) per day per each violation of the Solid Waste Management Rules. It is further understood that the Solid Waste Management Rules may be revised or amended in the future and that the facility siting and operations of this landfill will be required to comply with all such revisions or amendments.

Town of Windsor Corporation Name (Print) April 2, 1996 Date

(Corporate Seal) Robert B. Spivey, Mayor President or Vice-President Name (Print) Robert B. Spivey President or Vice-President Signature

Attest: David Overton, Town Clerk Corporate Secretary Name (Print) David Overton Corporate Secretary Signature

North Carolina Bertie County

I, Sybil Holder Mizelle, a Notary Public for said County and State, do hereby certify that David Overton (name of secretary) personally appeared before me this day and acknowledged that he (or she) is secretary of Town of Windsor (name of corporation), a corporation, and that by authority duly given and as the act of the corporation, the forgoing instrument was signed in its name by its Robert B. Spivey (president or vice-president), sealed with its corporate seal, and attested by himself (or herself) as its secretary.

Witness my hand and official seal, this the 2 day of April, 1996.

(Official Seal) Sybil Holder Mizelle Notary Public

My commission expires January 29, 1999.

NORTH CAROLINA, BERTIE COUNTY The foregoing certificate(s) of Sybil Holder Mizelle N.P. is (are) certified to be correct. This instrument was presented for registration and recorded in the office in Book 728, Page 426 This 25 day of April, 1996 at 11:20 o'clock A.M. Belinda J. White Register of Deeds By: Margaret R. Bond Assistant/Deputy

Certification by Corporate Landfill Operator (if different from Owner):

I certify that the information provided by me in this notification is true, accurate, and complete to the best of my knowledge. The facility siting and disposal operations of this Land Clearing & Inert Debris landfill will comply with the requirements of Sections .0563, .0564 and .0566 of 15A NCAC 13B, North Carolina Solid Waste Management Rules. The facility and operations of this landfill will also comply with all applicable Federal, State, and Local laws, rules, regulations, and ordinances. The land owner has been informed of plans to dispose of solid waste on the land and the land owner has specifically granted permission for the operation of the landfill. It is understood that both the operator and land owner are jointly and severally liable for improper operations and proper closure of the landfill as provided for by North Carolina General Statute 130A-309.27. It is further understood that North Carolina General Statute 130A-22 provides for administrative penalties of up to five thousand dollars (\$5,000.00) per day per each violation of the Solid Waste Management Rules. It is further understood that the Solid Waste Management Rules may be revised or amended in the future and that the facility siting and operations of this landfill will be required to comply with all such revisions or amendments.

Corporation Name (Print)

Date

(Corporate Seal)

Attest:

President or Vice-President Name (Print)

Corporate Secretary Name (Print)

President or Vice-President Signature

Corporate Secretary Signature

North Carolina

_____ County

I, _____, a Notary Public for said County and State, do hereby certify that _____ (name of secretary) personally appeared before me this day and acknowledged that he (or she) is secretary of _____ (name of corporation), a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ (president or vice-president), sealed with its corporate seal, and attested by himself (or herself) as its secretary.

Witness my hand and official seal, this the _____ day of _____, 19_____.

(Official Seal)

Notary Public

My commission expires _____, 19_____.



MAY 8 1996

SOLID WASTE MANAGEMENT
FAYETTEVILLE REGIONAL OFFICE