

LCIDN67Humphrey-N-Sons
(Hall Town Road)

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT



July 9, 1998

Fac/Perm/Co ID #	Date	Doc ID#
Carmeny	2/23/09	DIN

JAMES B. HUNT JR.
GOVERNOR

Mr. Durwood Humphrey, Owner
Durwood Humphrey & Sons Construction
1147 Clayton Humphrey Road
Jacksonville, North Carolina 28546

WAYNE McDEVITT
SECRETARY

RE: Closure of Land Clearing and Inert Debris (LCID)
Notification dated July 1994; site located on Hall
Town Road; Jacksonville, Onslow County, North
Carolina. Recorded in Grantor Index Book: 1192
Pages: 74 to 104.

WILLIAM L. MEYER
DIRECTOR

Dear Mr. Humphrey:

The final inspection for the subject landfill was
conducted on June 25, 1998 by a representative from the
North Carolina Solid Waste Section.

It was determined that the site has been closed-out in
accordance with the procedures outlined in the Solid Waste
Management Rules and mutually agreed upon conditions
between yourself and the landowners as specified in the
attached memo dated 29 June 1998 by Joe Gallo. Please note
the following requirements from 15A N.C. Admin. Code 13B
Section .0510 Closure Conditions:

1. When a solid waste disposal site has been closed
in accordance with the requirements of the
Division; future necessary maintenance and water
quality monitoring (if applicable), shall be the
responsibility of the owner.
2. When a solid waste disposal site has been closed
in accordance with the requirements of the
Division, the permit/notification is terminated.
Any future disposal operations at the site will
require a new permit/notification. Any disposal
activities done without a new permit/notification
will constitute a "open dump" and will be subject
to compliance action.

FAYETTEVILLE REGIONAL OFFICE
225 GREEN STREET, SUITE 601, FAYETTEVILLE, NC 28301-5043
PHONE 910-486-1191 FAX 910-486-1791

Mr. Humphrey
Page 2
July 9, 1998

If you have questions concerning this matter, feel free to contact Joe Gallo at (910) 395-3900 or this office at (910) 486-1191.

Sincerely,

Jim Barber
Eastern Area Engineer
Solid Waste Section
Division of Waste Management

cc: Jim Coffey Terry Dover
 Joe Gallo ~~Central~~ file - Onslow County LCID
 Notification file.

Linwood L. and Martha J. Kellum, Landowners
1176 Clayton Humphrey Road
Jacksonville, N.C. 28546
Deed Book:1192 Page:74

Clifton and Nellie M. Lovitt, Landowners
133 Key Lane
Jacksonville, N.C. 28546
Deed Book:1192 Page:80

Lester W. and Isabelle M. Morton, Landowners
1266 Halltown Road
Jacksonville, N.C. 28546
Deed Book:1192 Page:86

John E. Morton, Landowner
1240 Halltown Road
Jacksonville, N.C. 28546
Deed Book:1192 Page:92

B.S. and Mary M. Gibson, Landowners
4184 New Bern Highway
Jacksonville, N.C. 28546
Deed Book:1192 Page:98

Fred and Margaret Collins, Landowners
244 Halltown Road
Jacksonville, N.C. 28546
Deed Book:1192 Page:104

State of North Carolina
Department of Environment
and Natural Resources
Wilmington Regional Office
Division of Waste Management
Solid Waste Section

James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary
William L. Meyer, Director



RECEIVED

JUN 30 1998

DIVISION OF WASTE MANAGEMENT
FAYETTEVILLE REGIONAL OFFICE

MEMO

To: Jim Barber, Regional Engineer
From: JOE GALLO *JB*
Subject: Humphrey's Halltown Road LCID closure, Onslow County
Date: June 29, 1998

Jim:

On June 25, 1998 I inspected the Halltown Road LCID Notification operated by Durwood Humphrey and sons construction. The final cover applied to the site meets the closure requirements of 0.566 (5). The area has been seeded and has been established in some areas.

On June 26, 1998 I had a meeting with Mr. Durwood Humphrey, and the property owners Mr. Lovitt, Mr. Morton, Mr. Collins and Mr. Gibson. All parties were agreeable that the site was acceptable and that certain requirements would be the responsibility of Mr. Durwood Humphrey. These requirements are as follows;

1. Mr. Humphrey would be required to check on the vegetative cover of the site and replenish as required until such time that the cover has been established.
2. Mr. Humphrey would be required to check and repair any erosion which takes place at the site until such time as the vegetative cover has had a chance to take hold.

Once the area has had a chance to stabilize and the vegetative cover has been established the property owners will assume responsibility for maintenance of the site.

If you have any questions please call me.

State of North Carolina
Department of Environment
and Natural Resources
Wilmington Regional Office
Division of Waste Management
Solid Waste Section

James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary
William L. Meyer, Director

May 26, 1998

CERTIFIED MAIL P 057 082 865
RETURN RECEIPT REQUESTED

Durwood Humphrey
Durwood Humphrey & Sons Construction
1147 Clayton Humphrey Road
Jacksonville, NC 28546

Ref: Closure of Halltown Road Land Clearing & Inert Debris Landfill (notification)

Mr. Humphrey:

I have received a letter from the landowners of your Halltown Road landfill in which they have all requested that this site be officially closed. In accordance with their wishes you are hereby notified to take the following action in accordance with 15A: 13B .0566 (5),(6),(7);

- (5) "120 calender 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."
- (6) "Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion."
- (7) "Provisions for ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calender days upon completion of any phase of landfill development."

Facilities N0059
Onslow Co.
Notifications



Upon completion of the closing as stated above and a final inspection for compliance submit the following documents for closure:

- A. Submit to the Section an entire copy of the property deed(s) giving the complete legal description of the property(s) as it is registered in the index of the county where the land is located. The description will either be by metes and bounds, or by reference to a recorded plat map.
- B. Submit to the Section a plat of the land prepared by a Registered Land Surveyor in accordance with N.C.G.S. 47-30.

The map must show:

1. Name of owner(s), property lines, north arrow, scale and bearings and distances taken from the deed.
2. Disposal area delineated, with the words "Solid Waste Disposal Site" written on the map.
3. Certification and seal by registered land surveyor.

In accordance with the instruction as stated above, your compliance date to have this site properly closed is September 23, 1998.

If you have any questions regarding this matter, please contact me at (910) 395-3900. Thank you for your cooperation.

Sincerely,


Joe Gallo
Environmental Technician

Durwood Humphrey
Durwood Humphrey & Sons Construction
May 26, 1998
Page 3

JAG/jag

cc: Philip J. Prete, Field Operations Branch Head
Terry Dover, Eastern Area Supervisor
Jim Barber, Eastern Regional Engineer
Doug Grafton, Environmental Enforcement Officer, Onslow County

s:sws\admin\humphrey.may

State of North Carolina
Department of Environment
and Natural Resources
Wilmington Regional Office
Division of Waste Management
Solid Waste Section

RECEIVED

JUN 04 1998

DIVISION OF WASTE MANAGEMENT
FAYETTEVILLE REGIONAL OFFICE



James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary
William L. Meyer, Director

May 26, 1998

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RETURN RECEIPT REQUESTED

Durwood Humphrey
Durwood Humphrey & Sons Construction
1147 Clayton Humphrey Road
Jacksonville, NC 28546

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cc: Philip J. Prete, Field Operations Branch Head
Terry Dover, Eastern Area Supervisor
Jim Barber, Eastern Regional Engineer
Doug Grafton, Environmental Enforcement Officer, Onslow County

s:sws\admin\humphrey.may



1994 JUL -5 AM 10: 25

State of North Carolina
Department of Environment, Health, and Natural Resources

512 North Salisbury Street • Raleigh, North Carolina 27604

James B. Hunt, Jr., Governor

Division of Solid Waste Management

Solid Waste Section

Telephone (919) 733-4996

Jonathan B. Howes, Secretary

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, and recorded as required by 15A NCAC 13B .0563(2)(b).

1. Facility Name: Durwood Humphrey & Sons
2. Facility location (street address): Hall town Road
City: Jacksonville County: Onslow Zip: 28546
3. The land on which this landfill is located is described in the deed recorded in:
deed book: 1192 page: 80 county: Onslow
4. Name of land owner: Clifton and Nellie M. Lovitt
5. Mailing address of land owner: 133 Key Lane
City: Jacksonville State: NC Zip: 28546
6. Telephone number of land owner: 919, 347-4572
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.
7. Name of operator: Durwood Humphrey
8. Trade or business name of operator: Durwood Humphrey & Sons Const Inc
9. Mailing address of operator: 1147 Clayton Humphrey Road
City: Jacksonville State: NC Zip: 28546
10. Telephone number of operator: 910, 346-4727
If the landfill is operated by more than one person, attach additional sheets with the name, address, and phone number of all additional operators.
11. Projected use of land after completion of landfill operations: Re claim land



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Department of Environment, Health, and Natural Resources
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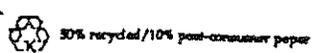
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Telephone (919) 733-4996

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1. Facility Name: Durwood Humphrey & Sons
2. Facility location (street address): Hall Town Road
City: Jacksonville County: Onslow Zip: 28546
3. The land on which this landfill is located is described in the deed recorded in:
deed book: 1192 page: 86 county: Onslow
4. Name of land owner: Lester W. and Isabelle M. Morton
5. Mailing address of land owner: 1266 Halltown Road
City: Jacksonville State: N.C. Zip: 28546
6. Telephone number of land owner: 910 346 8119
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.
7. Name of operator: Durwood Humphrey
8. Trade or business name of operator: Durwood Humphrey & Sons Const Co., Inc.
9. Mailing address of operator: 1147 Clayton Humphrey Rd
City: Jacksonville State: N.C. Zip: 28546
10. Telephone number of operator: 910 346-4727
If the landfill is operated by more than one person, attach additional sheets with the name, address, and phone number of all additional operators.
11. Projected use of land after completion of landfill operations: seeding for pasture land





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Department of Environment, Health, and Natural Resources
512 North Salisbury Street • Raleigh, North Carolina 27604

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Telephone (919) 733-4996

Jonathan B. Howes, Secretary

LAND CLEARING AND INERT DEBRIS LANDFILL NOTIFICATION

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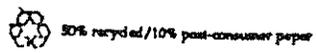
- 1. Facility Name: Durwood Humphrey & Sons
- 2. Facility location (street address): Hall town Road
City: Jacksonville County: Onslow Zip: 28546
- 3. The land on which this landfill is located is described in the deed recorded in:
deed book: 1192 page: 92 county: Onslow
- 4. Name of land owner: John E. Merton
- 5. Mailing address of land owner: 1240 Halltown Road
City: Jacksonville State: N.C. Zip: 28546
- 6. Telephone number of land owner: None

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.

- 7. Name of operator: Durwood Humphrey
- 8. Trade or business name of operator: Durwood Humphrey & Sons Const. Inc.
- 9. Mailing address of operator: 1147 Clayton Humphrey Road
City: Jacksonville State: N.C. Zip: 28546
- 10. Telephone number of operator: 910-346-4727

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

- 11. Projected use of land after completion of landfill operations: Seeding
for pasture lands





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Department of Environment, Health, and Natural Resources

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Division of Solid Waste Management

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- 1. Facility Name: Durwood Humphrey & Sons
- 2. Facility location (street address): Hale Town Road
City: Jacksonville County: Onslow Zip: 28546
- 3. The land on which this landfill is located is described in the deed recorded in:
deed book: 1197 page: 98 county: Onslow
- 4. Name of land owner: B.S. and Mary M. Gibson
- 5. Mailing address of land owner: 4184 New Bern Hwy.
City: Jacksonville State: N.C. Zip: 28546
- 6. Telephone number of land owner: 910 1 346-6209

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.

- 7. Name of operator: Durwood Humphrey
- 8. Trade or business name of operator: Durwood Humphrey & Sons Const Inc
- 9. Mailing address of operator: 1147 Clayton Humphrey Road
City: Jacksonville State: N.C. Zip: 28546
- 10. Telephone number of operator: 910 1 346 4727

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

- 11. Projected use of land after completion of landfill operations: Seeding
re-claim land



1994 JUL -5 AM 10:26

State of North Carolina
Department of Environment, Health, and Natural Resources
512 North Salisbury Street • Raleigh, North Carolina 27604

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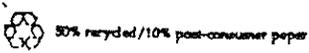
- 1. Facility Name: Durwood Humphrey & Sons
- 2. Facility location (street address): Hall town Road
City: Jacksonville County: Onslow Zip: 28546
- 3. The land on which this landfill is located is described in the deed recorded in:
deed book: 1192 page: 104 county: Onslow
- 4. Name of land owner: Fred and Margaret Collins
- 5. Mailing address of land owner: 244 Hall Town Road
City: Jacksonville State: N.C. Zip: 28546
- 6. Telephone number of land owner: 910 347-2984

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.

- 7. Name of operator: Durwood Humphrey
- 8. Trade or business name of operator: Durwood Humphrey & Sons Const. Inc
- 9. Mailing address of operator: 1147 Clayton Humphrey Road
City: Jacksonville State: N.C. Zip: 28546
- 10. Telephone number of operator: 910 346-4727

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

- 11. Projected use of land after completion of landfill operations: seeding
re-claim land



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



August 10, 1994

Durwood Humphrey
Durwood Humphrey & Sons Construction
1147 Clayton Humphrey Road
Jacksonville, NC 28546

Ref: Land Clearing & Inert Debris Notification

Mr. Humphrey:

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 approval. 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 approval is not transferrable.

The Land Clearing and Inert Debris landfill is permitted to receive:

- 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.
- 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.

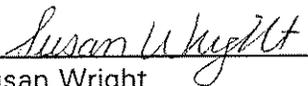
The facility must be operated in accordance with 15A NCAC 13B .0566, Operational Requirements for Land Clearing and Inert Debris (LCID) Landfills.

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.

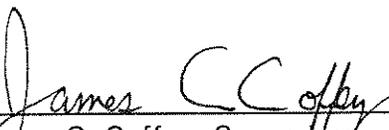
If you have any questions or if we can provide any other assistance, please do not hesitate to contact the Regional Waste Management Specialist, Mr. John Crowder at (910)395-3900.

Thank you,



Susan Wright

Approved:



James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

copy: John Crowder - DSWM
Clifton & Nellie M. Lovitt - Landowners



1994 JUL -5 AM 10:25

State of North Carolina
Department of Environment, Health, and Natural Resources

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3. The land on which this landfill is located is described in the deed recorded in:
deed book: 1192 page: 80 county: Onslow

4. Name of land owner: Clifton and Nellie M. Lovitt

5. Mailing address of land owner: 133 Key Lane
City: Jacksonville State: N.C. Zip: 28546

6. Telephone number of land owner: (919) 347-4572

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.

7. Name of operator: Durwood Humphrey

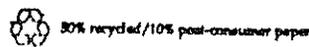
8. Trade or business name of operator: Durwood Humphrey & Sons Const. Inc.

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City: Jacksonville State: N.C. Zip: 28546

10. Telephone number of operator: (910) 346-4727

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

11. Projected use of land after completion of landfill operations: Seeding -
re claim land



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 27606 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.
- (6) Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- (7) Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
- (8) The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill is open for public use to ensure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- (9) Access roads shall be of all-weather construction and properly maintained.
- (10) Surface water shall be diverted from the working face and shall not be impounded over waste.
- (11) Solid waste shall not be disposed of in water.
- (12) Open burning of solid waste is prohibited.
- (13) The concentration of explosive gases generated by the facility shall not exceed:
 - (a) Twenty-five percent of the lower explosive limit for the gases in facility structures.
 - (b) The lower explosive limit for the gases at the property boundary.
- (14) Leachate shall be properly managed on site through the use of current best management practices.
- (15) Should the Division deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter.
- (16) A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number. The permit number requirement is not applicable for facilities not requiring an individual permit.

Certification by 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 land owner, I, the land owner, have knowledge of the operator's plans to dispose of solid waste on the land and I specifically grant permission for the operation of the landfill. I understand that both the 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. I further understand 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. I further understand 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.

CLIFTON + NELLIE M. LOVITT
Print Name (Owner)

X Clifton F Lovitt
Signature (Owner)
X Nellie M Lovitt

6-28-94
Date

North Carolina

Dnslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Clifton Lovitt + Nellie M Lovitt personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28 day of June, 19 94.

(Official Seal)

Carolyn F. Grant
Notary Public

My commission expires July 19, 19 94.



Certification by 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. I have informed the land owner of my plans to dispose of solid waste on the land and the land owner has specifically granted permission for the operation of the landfill. I understand 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. I further understand 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. I further understand 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.

Durwood Humphrey
Print Name (Operator)

[Signature]
Signature (Operator)

6-28-94
Date

North Carolina

Onslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Durwood Humphrey personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28 day of June, 19 94.



Carolyn F. Grant
Notary Public

My commission expires July 19, 19 94.

For additional land owners and landfill operators, attach separate notarized certifications for each additional land owner and landfill operator.

For Corporate land owners and/or operators, use the Corporate Certifications, pages 5 and 6. Contact the Division of Solid Waste Management for proper applicable certifications.

INSTRUCTIONS

Purpose: Notification of Land Clearing and Inert Debris Landfills under two (2) acres in size is required under 15 NCAC 13B .0563(2)(a). Contact the Solid Waste Section at the address below for further information.

Distribution: Mail completed recorded original notification to the following address:

Division of Solid Waste Management
Solid Waste Section
PO Box 27687
Raleigh, North Carolina 27611-7687
(819) 733-0892

Disposition: This form will be transferred to the State Records Center when reference value ends. Records will be held for agency in the State Records Center five (5) additional years and then transferred to the custody of the Archives.

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 understand 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 forgoing 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)

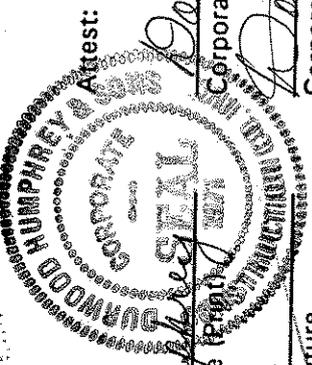
Notary Public

My commission expires _____, 19_____.

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.

Durwood Humphrey & Sons Const. Co., Inc. Date 6-28-94
Corporation Name (Print)



(Corporate Seal)

Durwood Humphrey Attest: Carolyn F. Humphrey
President or Vice-President Name (Print) Corporate Secretary Name (Print)

Durwood Humphrey Corporate Secretary Signature
President or Vice-President Signature

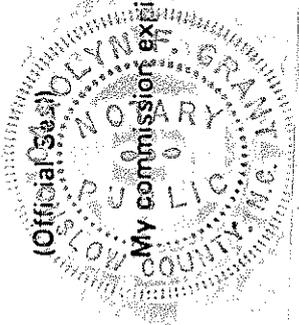
North Carolina

Onslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Carolyn F. Humphrey (name of secretary) personally appeared before me this day and acknowledged that he (or she) is secretary of Durwood Humphrey & Sons Const. Co., Inc. (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 Durwood Humphrey (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 28 day of June, 19 94.

Carolyn F. Grant
Notary Public



NORTH CAROLINA, ONSLOW COUNTY
The foregoing certificate(s) of Carolyn F. Grant

Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 1192 Page 80. This 5th day of July 19 94 A.D. at 10:25 o'clock A. M. By Michael M. Howard Register of Deeds, Onslow County

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



August 10, 1994

Durwood Humphrey
Durwood Humphrey & Sons Construction
1147 Clayton Humphrey Road
Jacksonville, NC 28546

Ref: Land Clearing & Inert Debris Notification

Mr. Humphrey:

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 approval. 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 approval is not transferrable.

The Land Clearing and Inert Debris landfill is permitted to receive:

- 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.
- 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.

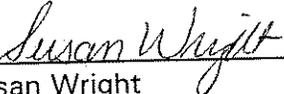
The facility must be operated in accordance with 15A NCAC 13B .0566, Operational Requirements for Land Clearing and Inert Debris (LCID) Landfills.

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.

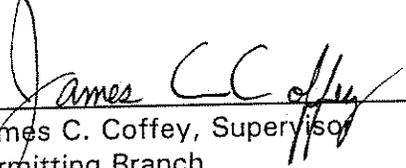
If you have any questions or if we can provide any other assistance, please do not hesitate to contact the Regional Waste Management Specialist, Mr. John Crowder at (910)395-3900.

Thank you,



Susan Wright

Approved:



James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

copy: John Crowder - DSWM
Lester W. & Isabelle M. Morton - Landowners

18



1994 JUL -5 AM 10:25

State of North Carolina
Department of Environment, Health, and Natural Resources
512 North Salisbury Street • Raleigh, North Carolina 27604

James B. Hunt, Jr., Governor

Division of Solid Waste Management
Solid Waste Section
Telephone (919) 733-4996

Jonathan B. Howes, Secretary

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, and recorded as required by 15A NCAC 13B .0563(2)(b).

- 1. Facility Name: Durwood Humphrey & Sons
- 2. Facility location (street address): Hall Town Road
City: Jacksonville County: Onslow Zip: 28546
- 3. The land on which this landfill is located is described in the deed recorded in:
deed book: 1192 page: 86 county: Onslow
- 4. Name of land owner: Lester W. and Isabelle M. Morton
- 5. Mailing address of land owner: 1266 Halltown Road
City: Jacksonville State: N.C. Zip: 28546
- 6. Telephone number of land owner: 910 346 8119

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.

- 7. Name of operator: Durwood Humphrey
- 8. Trade or business name of operator: Durwood Humphrey & Sons Const^{co} inc
- 9. Mailing address of operator: 1147 Clayton Humphrey Rd
City: Jacksonville State: N.C. Zip: 28546
- 10. Telephone number of operator: 910 346-4727

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

- 11. Projected use of land after completion of landfill operations: Seeding for pasture land

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 .0503(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.
- (6) Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- (7) Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
- (8) The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- (9) Access roads shall be of all-weather construction and properly maintained.
- (10) Surface water shall be diverted from the working face and shall not be impounded over waste.
- (11) Solid waste shall not be disposed of in water.
- (12) Open burning of solid waste is prohibited.
- (13) The concentration of explosive gases generated by the facility shall not exceed:
 - (a) Twenty-five percent of the lower explosive limit for the gases in facility structures.
 - (b) The lower explosive limit for the gases at the property boundary.
- (14) Leachate shall be properly managed on site through the use of current best management practices.
- (15) Should the Division deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter.
- (16) A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number. The permit number requirement is not applicable for facilities not requiring an individual permit.

Certification by 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 land owner, I, the land owner, have knowledge of the operator's plans to dispose of solid waste on the land and I specifically grant permission for the operation of the landfill. I understand that both the 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. I further understand 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. I further understand 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.

LESTER W. & ISABELLE M. MORTON X Lester W. Morton 6-20-94
 Print Name (Owner) Signature (Owner) Date

North Carolina

X Isabelle Morton

Dnslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Lester W. Morton & Isabelle M. Morton personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 20 day of June, 19 94.

(Official Seal)

Carolyn F. Grant
Notary Public

My commission expires July 19, 19 94.



Certification by 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. I have informed the land owner of my plans to dispose of solid waste on the land and the land owner has specifically granted permission for the operation of the landfill. I understand 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. I further understand 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. I further understand 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.

Durwood Humphrey x Durwood Humphrey 6-20-94
 Print Name (Operator) Signature (Operator) Date

North Carolina

Dnslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Durwood Humphrey personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 20 day of June, 19 94.

(Official Seal) Carolyn F. Grant
 Notary Public

My commission expires July 19, 19 94.

For additional land owners and landfill operators, attach separate notarized certifications for each additional land owner and landfill operator.

For Corporate land owners and/or operators, use the Corporate Certifications, pages 5 and 6. Contact the Division of Solid Waste Management for proper applicable certifications.

INSTRUCTIONS

Purpose: Notification of Land Clearing and Inert Debris Landfills under two (2) acres in size is required under 15 NCAC 13B .0563(2)(a). Contact the Solid Waste Section at the address below for further information.

Distribution: Mail completed recorded original notification to the following address:

Division of Solid Waste Management
 Solid Waste Section
 PO Box 27887
 Raleigh, North Carolina 27611-7887
 (919) 733-0892

Disposition: This form will be transferred to the State Records Center when reference value ends. Records will be held for agency in the State Records Center five (5) additional years and then transferred to the custody of the Archives.

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 understand 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 forgoing 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)

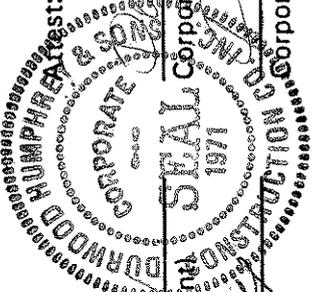
Notary Public

My commission expires _____, 19_____.

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

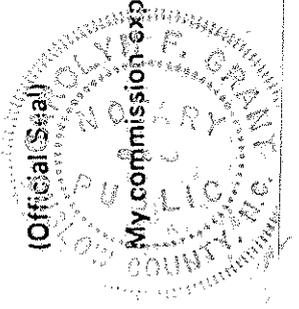
I certify that the information provided by me in this notification is true, accurate, and complete to the best of my knowledge. The facility siting and disposal operations of this Land Clearing & Inert Debris landfill will comply with the requirements of Sections .0563, .0564 and .0566 of 15A NCAC 13B, 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.

Darwood Humphrey & Sons Const Co INC Date 6-20-94
Corporation Name (Print)

(Corporate Seal) 
Darwood Humphrey President or Vice-President Name (Print) Doris P. Humphrey Corporate Secretary Name (Print)
Darwood Humphrey President or Vice-President Signature Doris P. Humphrey Corporate Secretary Signature

North Carolina Onslow County
I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Doris P. Humphrey (name of secretary) personally appeared before me this day and acknowledged that he (or she) is secretary of Darwood Humphrey & Sons Const Co Inc (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 Darwood Humphrey (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 20 day of June, 19 94.

(Official Seal) 
Carolyn F. Grant
Notary Public

My commission expires July 19, 19 94.

NORTH CAROLINA, ONSLOW COUNTY
The foregoing certificate(s) of Carolyn F. Grant

Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 1192 Page 80. This 5th day of July, 19 94 A.M. at 10:25 o'clock A. M.
M. Korman By _____
Register of Deeds, Onslow County _____
Register of Deeds

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



August 10, 1994

Durwood Humphrey
Durwood Humphrey & Sons Construction
1147 Clayton Humphrey Road
Jacksonville, NC 28546

Ref: Land Clearing & Inert Debris Notification

Mr. Humphrey:

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 approval. 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 approval is not transferrable.

The Land Clearing and Inert Debris landfill is permitted to receive:

- 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.
- 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.

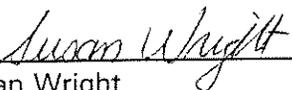
The facility must be operated in accordance with 15A NCAC 13B .0566, Operational Requirements for Land Clearing and Inert Debris (LCID) Landfills.

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.

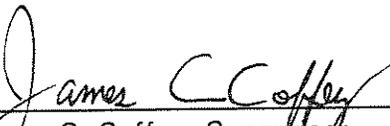
If you have any questions or if we can provide any other assistance, please do not hesitate to contact the Regional Waste Management Specialist, Mr. John Crowder at (910)395-3900.

Thank you,



Susan Wright

Approved:



James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

copy: John Crowder - DSWM
John E. Morton - Landowner

18



1994 JUL -5 AM 10: 25

State of North Carolina
Department of Environment, Health, and Natural Resources

512 North Salisbury Street • Raleigh, North Carolina 27604

James B. Hunt, Jr., Governor

Division of Solid Waste Management

Solid Waste Section

Telephone (919) 733-4996

Jonathan B. Howes, Secretary

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, and recorded as required by 15A NCAC 13B .0563(2)(b).

- 1. Facility Name: Durwood Humphrey & Sons
- 2. Facility location (street address): Hall Town Road
City: Jacksonville County: Onslow Zip: 28546

3. The land on which this landfill is located is described in the deed recorded in:
deed book: 1192 page: 92 county: Onslow

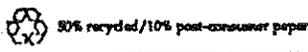
- 4. Name of land owner: John E. Marton
- 5. Mailing address of land owner: 1240 Halltown Road
City: Jacksonville State: N.C. Zip: 28546
- 6. Telephone number of land owner: (none)

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.

- 7. Name of operator: Durwood Humphrey
- 8. Trade or business name of operator: Durwood Humphrey & Sons Const. Inc.
- 9. Mailing address of operator: 1147 Clayton Humphrey Road
City: Jacksonville State: N.C. Zip: 28546
- 10. Telephone number of operator: 910-346-4727

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

- 11. Projected use of land after completion of landfill operations: Reclaiming for pasture lands



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.

.0583 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:
- 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.
 - The total disposal area is under two acres in size.
 - The facility and practices comply with the siting criteria under Rule .0564, and operational requirements under Rule .0586.
 - 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:
- 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 .0583(2)(b). The operator of the landfill, if different from the land owner, shall also sign the notification form.
 - 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.
 - 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:

- Facilities or practices, shall not be located in the 100-year floodplain.
- Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
- 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.
- Facilities or practices shall not damage or destroy an archaeological or historical site.
- 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.
- Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).
- It must be shown that adequate suitable soils are available for cover, either from on or off site.
- Land Clearing and Inert Debris landfills shall meet the following surface and ground water requirements:
 - 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.
 - 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.
 - Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards.
 - 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.
 - Waste in landfills with a disposal area less than two acres shall be placed above the seasonal high water table.
- The facility shall meet the following minimum buffer requirements:
 - 50 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212.
 - 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells.
 - Buffer requirements may be adjusted as necessary to insure adequate protection of public health and the environment.
- 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:

- Operational plans shall be approved and followed as specified for the facility.
- The facility shall only accept those solid wastes which it is permitted to receive.
- 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.
- (6) Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- (7) Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
- (8) The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill is open for public use to ensure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- (9) Access roads shall be of all-weather construction and properly maintained.
- (10) Surface water shall be diverted from the working face and shall not be impounded over waste.
- (11) Solid waste shall not be disposed of in water.
- (12) Open burning of solid waste is prohibited.
- (13) The concentration of explosive gases generated by the facility shall not exceed:
 - (a) Twenty-five percent of the lower explosive limit for the gases in facility structures.
 - (b) The lower explosive limit for the gases at the property boundary.
- (14) Leachate shall be properly managed on site through the use of current best management practices.
- (15) Should the Division deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter.
- (16) A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number. The permit number requirement is not applicable for facilities not requiring an individual permit.

Certification by 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 land owner, I, the land owner, have knowledge of the operator's plans to dispose of solid waste on the land and I specifically grant permission for the operation of the landfill. I understand that both the 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. I further understand 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. I further understand 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.

JOHN E. MORTON * John E. Morton 6-20-94
 Print Name (Owner) Signature (Owner) Date

North Carolina

Onslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that John E. Morton personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 20 day of June, 19 94.



Carolyn F. Grant
 Notary Public

My commission expires July 19, 19 94.

Certification by 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. I have informed the land owner of my plans to dispose of solid waste on the land and the land owner has specifically granted permission for the operation of the landfill. I understand 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. I further understand 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. I further understand 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.

Durwood Humphrey x Durwood Humphrey 6-20-94
 Print Name (Operator) Signature (Operator) Date

North Carolina

Dnslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Durwood Humphrey personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 20 day of June, 19 94.

(Official Seal)

Carolyn F. Grant
 Notary Public

My commission expires July 19, 19 94.

For additional land owners and landfill operators, attach separate notarized certifications for each additional land owner and landfill operator.

For Corporate land owners and/or operators, use the Corporate Certifications, pages 5 and 6. Contact the Division of Solid Waste Management for proper applicable certifications.

INSTRUCTIONS

Purpose: Notification of Land Clearing and Inert Debris Landfills under two (2) acres in size is required under 15 NCAC 13B .0563(2)(a). Contact the Solid Waste Section at the address below for further information.

Distribution: Mail completed recorded original notification to the following address:

Division of Solid Waste Management
 Solid Waste Section
 PO Box 27887
 Raleigh, North Carolina 27611-7887
 (919) 733-0882

Disposition: This form will be transferred to the State Records Center when reference value ends. Records will be held for agency in the State Records Center five (5) additional years and then transferred to the custody of the Archives.

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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 forgoing 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_____.

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.

Darwood Humphrey and Sons Coast Co Inc. Date 6-20-94
Corporation Name (Print)



(Corporate Seal)

Darwood Humphrey Doris P. Humphrey
President or Vice-President Name (Print) Corporate Secretary Name (Print)
Darwood Humphrey Doris P. Humphrey
President or Vice-President Signature Corporate Secretary Signature

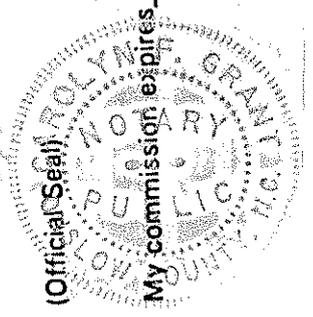
North Carolina

Onslow County

Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Doris P. Humphrey (name of secretary) personally appeared before me this day and acknowledged that he (or she) is secretary of Darwood Humphrey & Sons Coast Co Inc. (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 Darwood Humphrey (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 20 day of June, 19 94.

Carolyn F. Grant
Notary Public



My commission expires July 19, 19 94.

NORTH CAROLINA, ONSLOW COUNTY

Carolyn F. Grant

The foregoing certificate(s) of _____

Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 1192 Page 92 This 5th day of July

19 94 AD., at 10:25 o'clock A. M.

Michael M. Thomas By _____

Register of Deeds, Onslow County

Register of Deeds

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



August 10, 1994

Durwood Humphrey
Durwood Humphrey & Sons Construction
1147 Clayton Humphrey Road
Jacksonville, NC 28546

Ref: Land Clearing & Inert Debris Notification

Mr. Humphrey:

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 approval. 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 approval is not transferrable.

The Land Clearing and Inert Debris landfill is permitted to receive:

- 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.
- 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.

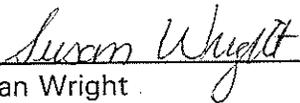
The facility must be operated in accordance with 15A NCAC 13B .0566, Operational Requirements for Land Clearing and Inert Debris (LCID) Landfills.

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.

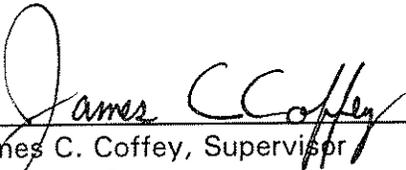
If you have any questions or if we can provide any other assistance, please do not hesitate to contact the Regional Waste Management Specialist, Mr. John Crowder at (910)395-3900.

Thank you,



Susan Wright

Approved:



James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

copy: John Crowder - DSWM
B. S. & Mary M Gibson - Landowners



1994 JUL -5 AM 10:25

State of North Carolina
Department of Environment, Health, and Natural Resources
512 North Salisbury Street • Raleigh, North Carolina 27604

James B. Hunt, Jr., Governor

Division of Solid Waste Management
Solid Waste Section
Telephone (919) 733-4996

Jonathan B. Howes, Secretary

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, and recorded as required by 15A NCAC 13B .0563(2)(b).

- 1. Facility Name: Durwood Humphrey & Sons
- 2. Facility location (street address): Hale Town Road
City: Jacksonville County: Onslow Zip: 28546
- 3. The land on which this landfill is located is described in the deed recorded in:
deed book: 1197 page: 98 county: Onslow
- 4. Name of land owner: B.S. and Mary M. Gibson
- 5. Mailing address of land owner: 4184 New Bern Hwy.
City: Jacksonville State: N.C. Zip: 28546
- 6. Telephone number of land owner: (910) 346-6209

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.

- 7. Name of operator: Durwood Humphrey
- 8. Trade or business name of operator: Durwood Humphrey & Sons Const Inc
- 9. Mailing address of operator: 1147 Clayton Humphrey Road
City: Jacksonville State: N.C. Zip: 28546
- 10. Telephone number of operator: (910) 346-4727

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

- 11. Projected use of land after completion of landfill operations: Seeding
re-claim land

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.

.0583 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 .0584, and operational requirements under Rule .0586.
 - (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 .0583(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.
- (6) Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- (7) Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
- (8) The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- (9) Access roads shall be of all-weather construction and properly maintained.
- (10) Surface water shall be diverted from the working face and shall not be impounded over waste.
- (11) Solid waste shall not be disposed of in water.
- (12) Open burning of solid waste is prohibited.
- (13) The concentration of explosive gases generated by the facility shall not exceed:
 - (a) Twenty-five percent of the lower explosive limit for the gases in facility structures.
 - (b) The lower explosive limit for the gases at the property boundary.
- (14) Leachate shall be properly managed on site through the use of current best management practices.
- (15) Should the Division deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter.
- (16) A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number. The permit number requirement is not applicable for facilities not requiring an individual permit.

Certification by 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 land owner, I, the land owner, have knowledge of the operator's plans to dispose of solid waste on the land and I specifically grant permission for the operation of the landfill. I understand that both the 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. I further understand 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. I further understand 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.

BS and Mary M. Gibson
Print Name (Owner)

X B.S. Gibson
Signature (Owner)

6-28-94
Date

North Carolina

X Mary M. Gibson

Onslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Mary M. Gibson personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28 day of June, 19 94.



Carolyn F. Grant
Notary Public

My commission expires July 19, 19 94.

Certification by 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. I have informed the land owner of my plans to dispose of solid waste on the land and the land owner has specifically granted permission for the operation of the landfill. I understand 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. I further understand 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. I further understand 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.

Dorwood HUMPHREY
Print Name (Operator)

[Signature]
Signature (Operator)

6-28-94
Date

North Carolina

Onslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Dorwood Humphrey personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28 day of June, 19 94.



Carolyn F. Grant
Notary Public

My commission expires July 19, 19 94.

For additional land owners and landfill operators, attach separate notarized certifications for each additional land owner and landfill operator.

For Corporate land owners and/or operators, use the Corporate Certifications, pages 5 and 6. Contact the Division of Solid Waste Management for proper applicable certifications.

INSTRUCTIONS

Purpose: Notification of Land Clearing and Inert Debris Landfills under two (2) acres in size is required under 15 NCAC 13B .0563(2)(a). Contact the Solid Waste Section at the address below for further information.

Distribution: Mail completed recorded original notification to the following address:

Division of Solid Waste Management
Solid Waste Section
PO Box 27687
Raleigh, North Carolina 27611-7687
(919) 733-0882

Disposition: This form will be transferred to the State Records Center when reference value ends. Records will be held for agency in the State Records Center five (5) additional years and then transferred to the custody of the Archives.

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 understand 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 forgoing 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_____.

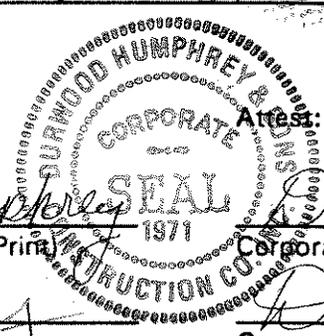
Certification by Corporate Landfill Operator (if different from Owner):

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.

Durwood Humphrey & Sons Const. Inc
Corporation Name (Print)

6-28-94
Date

(Corporate Seal)



Durwood Humphrey
President or Vice-President Name (Print)

Doris P. Humphrey
Corporate Secretary Name (Print)

X Durwood Humphrey
President or Vice-President Signature

Doris P. Humphrey
Corporate Secretary Signature

North Carolina

Onslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Doris P. Humphrey (name of secretary) personally appeared before me this day and acknowledged that he (or she) is secretary of Durwood Humphrey & Sons Const. Inc (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 Durwood Humphrey (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 28 day of June, 19 94.

(Official Seal)

Carolyn F. Grant
Notary Public

My commission expires July 19, 19 94.

NORTH CAROLINA, ONSLOW COUNTY

The foregoing certificate(s) of Carolyn F. Grant

Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 1192 Page 98. This 5th day of July 19 94 A.D. at 10:25 o'clock A. M.

Mildred M. Thomas
Register of Deeds, Onslow County

By _____
Register of Deeds

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



August 10, 1994

Durwood Humphrey
Durwood Humphrey & Sons Construction
1147 Clayton Humphrey Road
Jacksonville, NC 28546

Ref: Land Clearing & Inert Debris Notification

Mr. Humphrey:

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 approval. 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 approval is not transferrable.

The Land Clearing and Inert Debris landfill is permitted to receive:

- 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.
- 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.

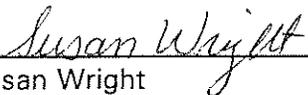
The facility must be operated in accordance with 15A NCAC 13B .0566, Operational Requirements for Land Clearing and Inert Debris (LCID) Landfills.

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.

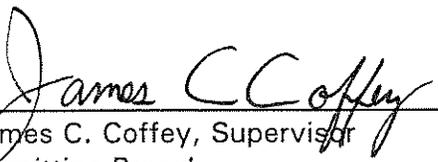
If you have any questions or if we can provide any other assistance, please do not hesitate to contact the Regional Waste Management Specialist, Mr. John Crowder at (910)395-3900.

Thank you,



Susan Wright

Approved:



James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

copy: John Crowder - DSWM
Fred & Margaret Collins - Landowners

18 4



1994 JUL -5 AM 10:26

State of North Carolina
Department of Environment, Health, and Natural Resources

512 North Salisbury Street • Raleigh, North Carolina 27604

James B. Hunt, Jr., Governor

Division of Solid Waste Management

Solid Waste Section

Telephone (919) 733-4996

Jonathan B. Howes, Secretary

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, and recorded as required by 15A NCAC 13B .0563(2)(b).

- 1. Facility Name: Durwood Humphrey & Sons
- 2. Facility location (street address): Hall town Road
City: Jacksonville County: Onslow Zip: 28546
- 3. The land on which this landfill is located is described in the deed recorded in:
deed book: 1192 page: 104 county: Onslow
- 4. Name of land owner: Fred and Margaret Collins
- 5. Mailing address of land owner: 244 Hall Town Road
City: Jacksonville State: N.C. Zip: 28546
- 6. Telephone number of land owner: 910 347-2984

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.

- 7. Name of operator: Durwood Humphrey
- 8. Trade or business name of operator: Durwood Humphrey & Sons Const. Inc
- 9. Mailing address of operator: 1147 Clayton Humphrey Road
City: Jacksonville State: N.C. Zip: 28546
- 10. Telephone number of operator: 910 346-4727

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

- 11. Projected use of land after completion of landfill operations: seeders
re-claim land

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:
- 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.
 - The total disposal area is under two acres in size.
 - The facility and practices comply with the siting criteria under Rule .0564, and operational requirements under Rule .0566.
 - 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:
- 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.
 - 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.
 - 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:

- Facilities or practices, shall not be located in the 100-year floodplain.
- Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
- 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.
- Facilities or practices shall not damage or destroy an archaeological or historical site.
- 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.
- Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).
- It must be shown that adequate suitable soils are available for cover, either from on or off site.
- Land Clearing and Inert Debris landfills shall meet the following surface and ground water requirements:
 - 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.
 - 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.
 - Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards.
 - 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.
 - Waste in landfills with a disposal area less than two acres shall be placed above the seasonal high water table.
- The facility shall meet the following minimum buffer requirements:
 - 50 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212.
 - 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells.
 - Buffer requirements may be adjusted as necessary to insure adequate protection of public health and the environment.
- 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:

- Operational plans shall be approved and followed as specified for the facility.
- The facility shall only accept those solid wastes which it is permitted to receive.
- 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.
- (6) Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- (7) Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
- (8) The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- (9) Access roads shall be of all-weather construction and properly maintained.
- (10) Surface water shall be diverted from the working face and shall not be impounded over waste.
- (11) Solid waste shall not be disposed of in water.
- (12) Open burning of solid waste is prohibited.
- (13) The concentration of explosive gases generated by the facility shall not exceed:
 - (a) Twenty-five percent of the lower explosive limit for the gases in facility structures.
 - (b) The lower explosive limit for the gases at the property boundary.
- (14) Leachate shall be properly managed on site through the use of current best management practices.
- (15) Should the Division deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter.
- (16) A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number. The permit number requirement is not applicable for facilities not requiring an individual permit.

Certification by 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 land owner, I, the land owner, have knowledge of the operator's plans to dispose of solid waste on the land and I specifically grant permission for the operation of the landfill. I understand that both the 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. I further understand 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. I further understand 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.

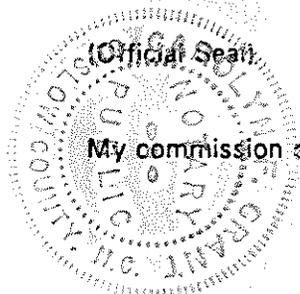
FRED + MARGARET COLLINS *Fred Collins* 6-28-94
 Print Name (Owner) Signature (Owner) Date

North Carolina

Doslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Fred Collins + Margaret Collins personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28 day of June, 19 94.



Carolyn F. Grant
 Notary Public

My commission expires July 19, 19 94.

Certification by 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. I have informed the land owner of my plans to dispose of solid waste on the land and the land owner has specifically granted permission for the operation of the landfill. I understand 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. I further understand 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. I further understand 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.

Durwood Humphrey
Print Name (Operator)

[Signature]
Signature (Operator)

6-28-94
Date

North Carolina

Dnslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Durwood Humphrey personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28 day of June, 19 94.

(Official Seal)

Carolyn F. Grant
Notary Public

My commission expires July 19, 19 94.

For additional land owners and landfill operators, attach separate notarized certifications for each additional land owner and landfill operator.

For Corporate land owners and/or operators, use the Corporate Certifications, pages 5 and 6. Contact the Division of Solid Waste Management for proper applicable certifications.

INSTRUCTIONS

Purpose: Notification of Land Clearing and Inert Debris Landfills under two (2) acres in size is required under 15 NCAC 13B .0563(2)(a). Contact the Solid Waste Section at the address below for further information.

Distribution: Mail completed recorded original notification to the following address:

Division of Solid Waste Management
Solid Waste Section
PO Box 27887
Raleigh, North Carolina 27611-7887
(819) 733-0882

Disposition: This form will be transferred to the State Records Center when reference value ends. Records will be held for agency in the State Records Center five (5) additional years and then transferred to the custody of the Archives.

Certification by Corporate Land Owner:

BOOK 1192 PAGE 108

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 understand 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

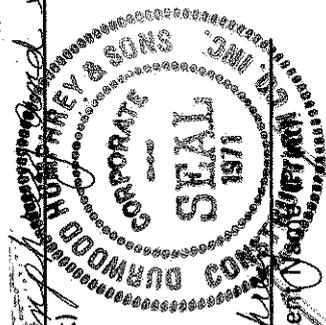
My commission expires _____, 19_____.

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.

Durwood Humphrey and Sons Construction Co. Corporation Name (Print) 6-28-94 Date

(Corporate Seal)



Durwood Humphrey President or Vice-President (Print)
Durwood Humphrey President or Vice-President Signature

Attest:

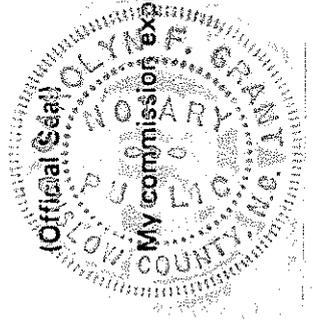
Doris P. Humphrey Corporate Secretary Name (Print)
Doris P. Humphrey Corporate Secretary Signature

North Carolina

Onslow County

I, Carolyn F. Grant, a Notary Public for said County and State, do hereby certify that Doris P. Humphrey (name of secretary) personally appeared before me this day and acknowledged that he (or she) is secretary of Durwood Humphrey & Sons Construction Co. (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 Durwood Humphrey (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 28 day of June, 19 94.



Carolyn F. Grant Notary Public

NORTH CAROLINA, Onslow County
The foregoing certificate(s) of Carolyn F. Grant

Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 1192 Page 104 This 28th day of July

19 94 A.D. at 10:26 o'clock A. M.
Maude M. Thomas By

Register of Deeds, Onslow County