

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

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



March 27, 1997

Mr. Winston Avery
1506 Avery Road
Morganton, North Carolina 28655



Re: Land Clearing & Inert Debris Landfill Notification
Harmon Street Dump: 181 - N, Morganton, Burke County, North Carolina
Described in the deed Recorded in Book: 876 Page: 1458 - 1461

Dear Mr. Avery:

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

If this property is sold, leased, conveyed or transferred, the deed or other instrument of transfer shall contain in the description section, in no smaller type than used in the body of the deed or instrument, a statement that the property has been used as a Land Clearing and Inert Debris landfill.

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

This notification is not transferrable.

The Land Clearing and Inert Debris landfill shall receive only:

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

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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.

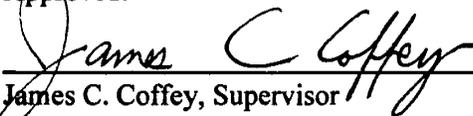
If you have any questions or if we can provide any other assistance, please do not hesitate to contact the Regional Waste Management Specialist, Mr. Al Hetzell at (704) 251-6208.

Thank you,



Wayne T. Greene
Western Area Engineer
Solid Waste Section

Approved:



James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

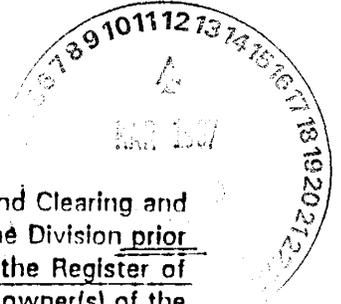
cc: Julian Foscue
Al Hetzell
Lee Flynn: Raleigh Central File: LCID Notification File - Burke County

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



Let's get
wagner
Green

Jelal
Burke County 1458
Book 876 Page
97 MAR -3 P3:58
Elizabeth Cooper



LAND CLEARING AND INERT DEBRIS LANDFILL NOTIFICATION

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

- 1. Facility Name: Harmon St. dump
- 2. Facility location (street address): 181-N
City: Morganton County: Burke zip: 28655
- 3. Directions to Site: 2 mi. N of Oak Hill behind Ramsey's
Sev. Station

- 4. The land on which this landfill is located is described in the deed recorded in:
deed book: 729 page: 1658 county: Burke
- 5. Name of land owner: Winston Avery
- 6. Mailing address of land owner: 1506 Avery Rd.
City: Morganton State: N.C. zip: 28655
- 7. Telephone number of land owner: 704 1 433-7258

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

- 8. Name of operator: DOT
- 9. Trade or business name of operator: NC DOT
- 10. Mailing address of operator: 2161 C Mount Home Ch Rd.
City: Morganton State: NC zip: 28655
- 11. Telephone number of operator: 704 1 438-6274

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

- 12. Projected use of land after completion of landfill operations: yard

(Rec'd. 1/4/94)

DK0870PG1458

- (16) Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- (17) 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.
- (18) 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.
- (19) 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.

Winston D Avery Winston D Avery 03/03/97
 Print Name (Owner) Signature (Owner) Date

North Carolina

Burke County

I, Mabel H. Lowman, a Notary Public for said County and State, do hereby certify that Winston D. Avery personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 3 day of March, 1997.

Mabel H. Lowman
 Notary Public



My commission expires 11-5, 1998.

(recd. 10/31/94)

PK037011639

- (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.
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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.

Retha Wilson Retha Wilson 3/13/97
 Print Name (Owner) Signature (Owner) Date

North Carolina

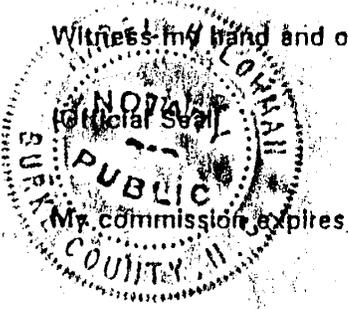
Burke County

I, Mabel H. Lowman, a Notary Public for said County and State, do hereby certify that Retha Wilson personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 3 day of March, 1997.

Mabel H. Lowman
 Notary Public

11-5, 1998



(recd. 10/31/94)

BK0075161450

- (16) Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- (17) 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.
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Certification by Land Owner:

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Annie Wilson Marnie Wilson 3/3/97
 Print Name (Owner) Signature (Owner) Date

North Carolina

Burke County

I, Mabel H. Loumaa, a Notary Public for said County and State, do hereby certify that Annie Wilson personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 3 day of March, 1997.

Mabel H. Loumaa
 Notary Public



My commission expires 11-5, 1998. STATE OF NORTH CAROLINA-BURKE COUNTY

The foregoing certificate of Mabel H. Loumaa
N.P. Burke Co. N.C. N.P. of said county is adjudged
 to be correct. Let the instrument with its certificate, be regis-
 tered. This 3 day of Mar 1997.
Elizabeth Cooper Register of Deeds
 ELIZABETH T. COOPER

(recd. 10/31/94)