

Permit No.	Date	Document ID No.
26-09T	February 04, 2014	20510

Received by an e-mail
Date: **February 03, 2014**
Solid Waste Section
Raleigh Central Office

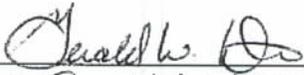
COMPLETION CERTIFICATE

TRANSFER STATION CONSTRUCTION, OPERATION AND LEASE AGREEMENT Dated August 18, 2009

The undersigned hereby certify that the transfer station constructed at 583 Winslow Street, Fayetteville, NC was completed on September 14, 2010 as reflected in the attached Certificate of Completion and Occupancy issued by the City of Fayetteville. The parties agree that the "Completion Date" under the Transfer Station Construction, Operation and Lease Agreement (the "Agreement") shall be September 14, 2010.

The parties further acknowledge that this Completion Certificate shall supersede and replace the Completion Certificate attached to the Agreement.

CITY OF FAYETTEVILLE

By: 
Name: Gerald W. Dietzen
Title: ENVIRONMENTAL SERVICES DIRECTOR

WASTE INDUSTRIES, LLC

By: 
Name: Michael J. Durham
Title: Vice President

Replaces
Exhibit A, Completion
Certificate

EXHIBIT A

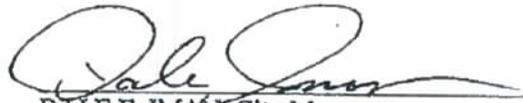
COMPLETION CERTIFICATE

The undersigned hereby certify that the transfer station constructed at _____ has been completed in accordance with the plans and specifications and has received all approvals and permits necessary to be open for business as of this ____ day of _____, which date shall be the "Completion Date" under the Transfer Station Construction, Operation and Lease Agreement dated _____, 2009 between the undersigned.

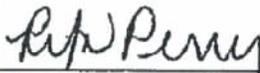
CITY OF FAYETTEVILLE



By:


DALE E. IMANT, City Manager

ATTEST:

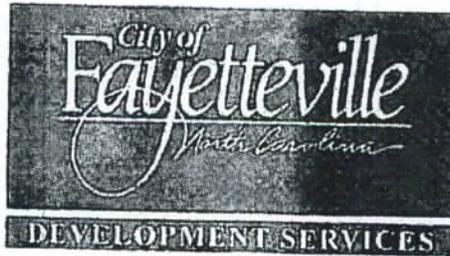


RITA PERRY, City Clerk

WASTE INDUSTRIES, LLC

By:

MICHAEL J. DURHAM, Vice President



CERTIFICATE OF COMPLETION AND OCCUPANCY

Reference:

Building Permit #: 201016845

Building Permit Issue Date: 2010-04-09

CO Issue Date: 09/14/2010

This is to certify that inspections have been made of the:

- Zoning Building Mechanical
- Electrical Landscaping Plumbing

of the structure at:

Number and Street: 583 Winslow St Fayetteville, NC (0437-31-2400)

Subdivision:

Lot/Block/Zone: 00

and the work authorized under the above numbered building permit has been completed in compliance with the North Carolina State Building Code.

Permission is hereby granted to City Of Fayetteville to occupy and use the structure, land, and floor area of building, at the above location for the following purposes:

Type of Improvement: Storage

Occupancy Type: Storage

Type of Construction: 2B

Occupancy Capacity:

Remarks:

Date Finaled: 09/14/2010

Signature: Randy H. Ray

Building Inspector: Randy Ray

If this Certificate of Completion and Occupancy is issued by the direction of the City/County's Board of Adjustment, it shall be subject to any and all conditions specified by the Board. If any of the conditions so specified or any part thereof shall be held void or invalid, or if any such conditions are not complied with, this Certificate shall be void and of no effect. This Certificate of Completion and Occupancy shall remain in force until such time that there is an alteration, addition, or change in use of this structure, or land, when it shall become void and a new Certificate must be issued.

BUILDING DIVISION (910) 433-1707
PLANNING &
ZONING DIVISION (910) 433-1612

433 HAY STREET
FAYETTEVILLE, NC 28501-5537
www.cityoffayetteville.org
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HOUSING & CODE
ENFORCEMENT DIVISION (910) 433-1056

From: [John Pflieger](#)
To: [Chao, Ming-tai](#)
Subject: RE: Fayetteville Transfer Station Lease Agreement & comment on the permit application
Date: Monday, February 03, 2014 4:38:19 PM
Attachments: [LeaseDate.pdf](#)

Mr. Chao,

Please see attached document to replace Exhibit A. Does this satisfy?

John

From: Chao, Ming-tai [mailto:ming.chao@ncdenr.gov]
Sent: Friday, January 24, 2014 11:29 AM
To: John Pflieger
Cc: Hammonds, Andrew; Shackelford, Dennis
Subject: Fayetteville Transfer Station Lease Agreement & comment on the permit application

Dear Mr. Pflieger:

I have completed a review of the permit application – Operations Manual (Doc ID 20422) for the above-referenced facility and have a few minor comments stated below:

1. (Section 1.2.3) The telephone number for the Raleigh central office of the Solid Waste Section is 919-707-8200. The listed phone number 877-623-6748 is not recognizable? Please clarify.
2. (Sections 1.7 or 2.5) Please describe the approaches to handle “hot loads” at the following conditions – at the site entrance & approaching the facility scale house, passing the scale house prior to being unloaded to the tipping floor, and on the tipping floor.
3. (Section 2.6.3) The Solid Waste Permit Number for Sampson County Disposal, LLC Landfill is 82-02, not 82-92. Please correct this typographic error.
4. (Section 2.7.2, on Page 2-6) The temporary waste storage at the Transfer Facility described in Item 14 is an acceptable approach; however, the facility personnel must inspect and ensure that the waste-loaded trailer is leak resistance and confirm of no liquid/leachate leaking out of the trailer. Please add this requirement to the Item 14.

Please send me a hard copy and electronic copy of the final permit application.

Regarding the lease agreement, I am a Permitting Engineer with Civil Engineering background, not a legal counsel, with minimum knowledge of the legal languages; therefore, I can't determine if the “Certificate of Compliance and Occupancy (CO)” issued by the City of Fayetteville on 09/14/2010 is legally equivalent to the Exhibit A - “Completion Certificate” attached to the lease agreement. I would suggest that Waste Industries, LLC issues a “clarification” letter attaching the CO and requests the City to confirm the leases expiration day by completion the “Exhibit A.”

If it is too much effort to proceed this request, please have the City Official – City Manager or Solid Waste Director (the Owner of the facility) send me a written document – letter or e-mail that City considers the CO Date - 09/14/2010 is the “completion date” defined in the Section 4 – Term of the lease agreement, which can be sent in with the completed “certification for land owner” (see attachment). To do so, it will demonstrate that the Owner is aware of the potential issue caused by the non-execute legal document at the first place and acts on it later on.

To avoid any potential dispute and litigation in the future due to this lease agreement, your effort to straight this issue is highly appreciate. Again, thank you for your assistance and cooperation on this matter. Please feel free to contact me if you have any question.

Ming Chao

Ming-Tai Chao, P.E.
Environmental Engineer
Permitting Branch, Solid Waste Section
Division of Waste Management
(Mailing Address)
1646 Mail Service Center
Raleigh, NC 27699-1646
(Street Address)
Green Square, 217 West Jones Street
Raleigh, NC 27603
Tel. 919-707-8251
ming.chao@ncdenr.gov
<http://portal.ncdenr.org/web/wm/sw>

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From: John Pflieger [<mailto:john.pflieger@wasteindustries.com>]
Sent: Tuesday, January 21, 2014 5:03 PM
To: Chao, Ming-tai
Subject: FW: Fayetteville Transfer Station Agreement

Mr. Chao,

I have been trying to get a copy of a completed exhibit A as you requested but we do not have one. Will this certificate of completion and occupancy suffice?

John Pflieger
Waste Industries

From: Ted Habets
Sent: Tuesday, January 21, 2014 4:13 PM
To: John Pflieger; Lisa Inman
Subject: RE: Fayetteville Transfer Station Agreement

John,

I don't believe that Exhibit A was ever executed, but here's a copy of the Certificate of Completion and Occupancy that the City of Fayetteville provided. Will this work for you?

Ted

From: John Pflieger
Sent: Tuesday, January 21, 2014 3:51 PM
To: Lisa Inman
Cc: Ted Habets
Subject: Re: Fayetteville Transfer Station Agreement

Do you think the city would have it? DENR wants it to confirm the date lease was renewed. Any other suggestions for proof of start date may be helpful as well.

Sent from my iPhone

On Jan 21, 2014, at 9:04 AM, "Lisa Inman" <Lisa.Inman@wasteindustries.com> wrote:

I don't think we have a completed Exhibit A.

From: Ted Habets
Sent: Friday, January 17, 2014 5:05 PM
To: Lisa Inman
Subject: RE: Fayetteville Transfer Station Agreement

I do not have a completed Exhibit A. The lease agreement copy that's attached is the only one I have on file here.

From: Lisa Inman
Sent: Friday, January 17, 2014 4:24 PM
To: Ted Habets
Subject: FW: Fayetteville Transfer Station Agreement

Ted – Can you check your file and see if you have a fully completed Exhibit A, which is the completion certificate. I'm not confident we have a completed one, but it is worth checking for. John needs it for a DENR filing.

Thanks –
Lisa

From: John Pflieger
Sent: Friday, January 17, 2014 4:16 PM
To: Lisa Inman
Subject: RE: Fayetteville Transfer Station Agreement

They want a completed "Exhibit A" pg 14 of lease agreement. Do you have this or could you get it?

From: Lisa Inman
Sent: Friday, January 17, 2014 1:45 PM

To: John Pflieger
Subject: FW: Fayetteville Transfer Station Agreement

That wasn't too hard to find!

From: Ted Habets
Sent: Wednesday, October 09, 2013 3:39 PM
To: Lisa Inman
Subject: Fayetteville Transfer Station Agreement