



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

May 6, 2009

Mr. John Bryan
John Bryan Yard Waste Recycling
3092 Sam Usry Rd
Oxford NC 27565

Re: John Bryan Yard Waste Recycling
Permit Number 39-03 – Granville County

Dear Mr. Bryan,

Enclosed is the John Bryan Yard Waste Recycling Facility permit to operate a Solid Waste Treatment and Processing Facility at 3092 Sam Usry Rd in Oxford, North Carolina. The Operation and Maintenance Manual for the facility has been incorporated into the permit conditions. Please carefully read all permit conditions and note that several of the conditions address specific details of the operation of the facility.

Ms. Mary Whaley, Environmental Senior Specialist, is the inspector for your facility and can be reached at 919-693-5023. Please let me know if you have any questions regarding your permit or treatment and processing of solid waste. You can reach me at 919-508-8508.

Sincerely,

Michael E. Scott, Supervisor
Composting and Land Application Branch

Cc:
Mary Whaley, Environmental Senior Specialist
Central File

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
1646 Mail Service Center Raleigh, N.C. 27699-1646

John Bryan Yard Waste Recycling

is hereby issued a permit to operate a

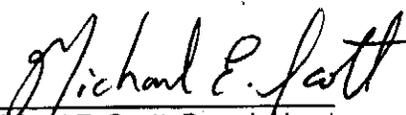
Solid Waste Treatment and Processing Facility

At 3092 Sam Usry Rd
Granville County, NC

Permit Number 39-03

In accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit.

5/6/09
Date


Michael E. Scott, Branch Head
Composting and Land Application Branch

Operator: John Bryan
T&P #: 39-03
County: Granville

Page 2 of 3

Permit Conditions

1. Operation and maintenance of this facility shall be in accordance with the Solid Waste Management Rules (15A NCAC 13B, Section .0202), the permit application and the Operation Plan submitted with the permit application. Failure to comply may result in compliance actions or permit revocation.
 2. The layout of this facility shall be maintained in accordance with the site plan submitted February 25, 2009.
 3. A trained and knowledgeable operator shall be on-site during hours of operation to assure the facility is operating in accordance with the approved operation plan and the Solid Waste Rules.
 4. Any leachate generated at the facility shall be managed in such a manner that there will be no degradation of ground or surface waters.
 5. This facility shall be operated in such a manner that soil erosion and runoff from the site shall be controlled. Erosion and runoff control structures shall be maintained to operate in accordance with the application and the requirements of appropriate State or Local Government permits.
-
6. The 50-foot property line buffer shall be maintained free of waste and final product.
 7. Only materials specifically listed in the permit application may be managed at this facility without adequate testing and prior approval of the Division of Waste Management. Acceptable materials include: fill dirt, topsoil, brush, stumps, land clearing debris and decomposed leaves.
 8. Low carbon-nitrogen wastes, such as grass clippings shall not be received at the facility. Any heat generation in excess of 110 degrees Fahrenheit (composting) in any of the piles of material at the facility will be considered a permit violation and shall result in the facility meeting all the requirements of Section .1400 of the Solid Waste Management Rules within 3 months.
 9. Non conforming waste received at the facility or removed from final product during screening shall be maintained in an appropriate on-site container or removed from the facility within 24 hours and properly disposed. Contaminated soils may not be managed at this facility.
 10. Groundwater monitoring wells may be required if there is indication of the potential for groundwater contamination.

Operator: John Bryan
T&P #: 39-03
County: Granville

Page 3 of 3

11. This facility shall be operated and maintained with sufficient dust control measures to minimize airborne emissions and to prevent dust from becoming a nuisance or safety hazard.
12. The amount of waste received and the amount and type of products sold or otherwise distributed shall be reported to the Division of Waste Management by August 1st of each year for the previous July 1 to June 30.
13. The storage volume of the facility shall be limited to the dimensions and locations of the brush and stump storage area, decomposed leaf area, imported fill dirt area and imported topsoil area. The capacity of the facility (**8,000 cu yd**) shall not be exceeded. Interruptions in the sales of final product shall require reduction or elimination of incoming materials to prevent exceeding the site capacity.
14. This permit shall expire on **May 6, 2014**. A change in ownership, increase in facility capacity, process changes or receiving additional waste types shall require a permit modification.

Mr. Michael Scott
NCDENR
Environmental Supervisor
Composting and Land Application Branch
1646 Mail Service Center
Raleigh, NC 27699-1646



Dear Michael,

Thank you in advance for taking the time to review the following information for John Bryan Yard Waste Recycling.

The attached documents include required information and the application for a Permit for a Wood Waste and Land Clearing Debris Treatment and Processing facility. This facility is being permitted to allow us to accept Yard Waste and Land Clearing Debris which we will process to manufacture a high quality top-soil. It is our understanding the attached information is required to obtain this type of permit from NCDENR.

As requested we are submitting the following information in accordance with all local and state requirements. We believe the information contained within this permit application is complete and accurate.

The documentation attached includes three copies of the following: An Operation Plan describing the receiving, processing, handling and storage of material on the site; Other information as required.

Should you need any other information for this permit application, please let me know as soon as possible. We have been trying to get this process completed for some time now; so your quick response to this application will be greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "John Bryan".

John Bryan
John Bryan Yard Waste Recycling

John Bryan Yard Waste Recycling

Permittee Information:

Owner/Operator of facility:

Bryan Brothers, LLC
3092 Sam Usry Road
Oxford, NC 27565
(919) 690-2640

Primary Contact for facility:

Mr. John Bryan
3092 Sam Usry Road
Oxford, NC 27565
(919) 690-2640



APPROVED
5/6/09 MFS

Property Information:

The Recycling facility is located at 3092 Sam Usry Rd. Oxford, NC 27565 in the county of Granville. The land parcel ID is 19100020783. The entire property consists of 7.38 acres. The main processing area of the facility is where the raw material is screened to manufacture Top-Soil. This area consists of approximately 2.0 acres and is located in the center of the property. This processing area is 312 feet from the closest property line at Sam Usry Road. The remainder of the processing area is well outside the 50 foot minimum requirement for offsets. The main area for receiving and storing the incoming raw material is located at the southwest portion of the property. The rest of the acreage is used for product storage, offsets, pathways between material and roadways.

All required basins, ponds and storm water collection structures are constructed and have been approved by local regulators. As indicated on the site plan, every attempt has been made to control the flow of storm water on the property. Control and maintenance of these structures is discussed in the following operational plan for this facility.

Maps & Photos:

The attached **Aerial Photograph** of the property and the surrounding area was provided by the Granville County online GIS system. The site is in the Fishing Creek Township but is under the development plan of Granville County. The site is bordered by mostly agricultural tracts. The Owner/Operator and his immediate family own all of the surrounding tracts of land. We have also attached a **Vicinity Map** showing the location of this property in conjunction to local towns and cities, including major thoroughfares.

Site Plan:

The **Site Plan** that is attached shows the property and the layout of the facility. This plan shows the screening areas, Brush and Stump dumping and storage area, finished product area, property lines, topography, sediment and erosion control structures, stormwater structures, utilities, roadways and traffic flow. Proper Setback information including distance to property line, closest residence and water sources is also identified on this site plan.

John Bryan Yard Waste Recycling

The **Sedimentation and Erosion Control Plan** used for this permit application conforms to all existing requirements from the County of Granville and the State of NC DENR. The Storm Water coming from the processing areas will be captured and controlled within the basins and the surrounding runoff has been controlled to conform to all local and state requirements. Each Basin and Structure will be inspected, cleaned, repaired (if necessary), lined (if necessary) and made to meet or exceed current local and DWQ water quality requirements.

Sitting Criteria:

Setbacks – The setbacks for the property are as follows

- From center of processing area = 342 feet to closest property line
- From center of processing area = 2012 feet to closest residential building
- From center of processing area = 1857 feet to Highway 15
- From center of processing area = 2661 feet to closest water supply well
- From center of processing area = 2879 feet to closest surface water
- From center of processing area = 1200 feet to 100yr flood plain

100 Year Flood Plain – FEMA flood insurance maps show this property is not in a flood plain and identifies the closest area to the property that is. (see attached map)

Depth of Groundwater - The facility is not located where the depth to the seasonal high water table is within 12 inches of the soil surface. ATC engineering firm tested the site and the facility complied with all required qualifications (see attached report)

Endangered or Threatened Species – The property does not contain any endangered or threatened species, wildlife or plants and the use of the facility will not cause any harm to any habitats. Processing of material will not cause any harm to any habitats as reported by the North Carolina Wildlife Resources commission. (see attached report)

Planning/Zoning – The property is zoned AR-40 by the Granville County Zoning office and is in their planning and zoning jurisdiction. A Special Use permit has been received from Granville County for this facility. The Special Use Permit number is SU-3-2007.

Legal Description – A copy of the existing NC General Warranty Deed on this property is attached to show the Legal Description of the property. This Deed is located in the Granville County Register of Deeds in Book 943, Page 639.

John Bryan Yard Waste Recycling

Operation Plan:

This facility will process approximately 1800 cubic yards per year of the following material:

- Fill Dirt
- Topsoil
- Brush
- Stumps
- Land-Clearing Debris
- Decomposed Leaves (from local municipality)

All this material will be processed to make topsoil. The capacity of the facility, based on the row & pile sizes defined in this plan, is approximately 8,000 Cubic Yards. Thus the total capacity of the facility is equal to just over four years of material, based on 1800 cy per year figures.

John Bryan Yard Waste Recycling will open the facility from 8:00am to 5:00pm, Monday through Saturday. Fill Dirt, Brush & Stumps will be brought in by varying sizes of trucks and/or trailers. These loads will be visually inspected by an attendant. Any unacceptable material will not be allowed to enter the facility.

Trucks entering the facility will come to the attendants building which is located at 4054 Highway 15 South, this is the location for Bryan's Soil and Stone, Inc. Once the attendant has approved the load for delivery to John Bryan Yard Waste Recycling, the truck will proceed south on a gravel road to the southwest area of the facility. This area which is labeled as Stump Delivery Drive on the site plan will be plainly marked for the truck driver identifying exactly where to drop the load of material.

Processing of this material (herein called Input Material) may not happen immediately. The process for when to begin handling the Input Material is based on the number and sizes of the loads of Input Material being delivered. Once a pile sufficient enough to warrant processing is generated (approximately 100 cubic yards), the operator will begin to move the Input Material to the area known as Brush and Stump Storage Area on the site plan. The moving of this Input Material will be done by a John Deere Dozer or similar equipment of sufficient weight and size to handle the task. During this process should any foreign items be found in the Input Material, it will be collected by the operator and removed to a suitable waste collection container. The piles of Input Material placed in the Brush and Stump Storage Area will be controlled by the criteria of Last in-Last out. The piles of Input Material will be allowed to age approximately 12 months. The Brush and Stump Storage Area will contain rows not to exceed 25' in height, 50' in width and 400' in length.

John Bryan Yard Waste Recycling

During the time period that the Input Material is allowed to sit in these piles located in the Brush and Stump Storage Area, these operational requirements will be followed:

- 1). Test the internal temperature at least one time in a 30 day period and keep records of any temperature found to be above 110 degrees Fahrenheit. Conditions may require more frequent checks of internal temperatures depending on site and pile conditions. Should internal temperatures exceed 140 degrees Fahrenheit, the operator will use an excavator or other available equipment to dig through the pile and aerate the material thus releasing the heat that was being generated. This should not happen considering the amount of dirt located within the Input Material.
- 2). Identify any vectors found, such as flies, mosquitoes, mice, etc. If any such vectors are found in large numbers, the operator will extract, eradicate and remove the vectors from the facility. With normal maintenance of the facility and under normal weather conditions, this issue of vectors should not be problematic. However the operator will inspect the facility at least weekly to ensure these vectors do not inhabit the facility.
- 3). Standing water from rain events will not be allowed to pool around the piles located in this area. Proper grading of the facility has been done to ensure the runoff of this type of water will occur naturally. Should divots or ruts be created under normal operation within this area and water does collect in these divots or ruts, the operator will smooth the surface of the area holding water so that it can flow freely to the designated basins and storm water structures.
- 4). Sediment, Slag or Silt that enters the Storm water structures will be removed on a regular basis depending upon the need. During any unusually wet conditions this may be required more frequently, however under normal historical rainfall totals for Granville County; this procedure should not be needed more than once or twice a year.
- 5). These piles will be seeded with wheat, oats or millet to help prevent erosion. This also aids in the breakdown of the wood and stump material found in the piles.
- 6). Clean paths will be kept between each row in the Brush and Stump Storage area. These paths will be at least 15 feet apart, thus providing access to processing equipment and fire vehicles if ever necessary.
- 7). Fire fighting equipment including extinguishers will be located on each piece of equipment operated on the facility. Operators will be trained in the operation of this equipment and be given instruction on how to fight a fire should one occur.

During normal operational procedures, the facility will accept other material to be used for manufacturing their topsoil. This material includes Fill Dirt, Topsoil and Decomposed Leaves. The trucks bringing this type of material will enter the facility through the same pattern as the Input Material discussed earlier. The driver will be directed to the proper location to drop off their material. Once the material is accepted it will be pushed up into a designated location or existing pile as shown on the site plan. Each individual pile will not be allowed to exceed 30 feet in height, 50 feet in width and 200 feet in length. The following operational procedures will be followed in the maintenance of these storage areas:

John Bryan Yard Waste Recycling

- 1). Identify any vectors found, such as flies, mosquitoes, mice, etc. If any such vectors are found in large numbers, the operator will extract, eradicate and remove the vectors from the facility. With normal maintenance of the facility and under normal weather conditions, this issue of vectors should not be problematic. However the operator will inspect the facility at least weekly to ensure these vectors do not inhabit the facility.
- 2). Standing water from rain events will not be allowed to pool around the piles located in these areas. Proper grading of the facility has been done to ensure the runoff of this type of water will occur naturally. Should divots or ruts be created under normal operation within these areas and water does collect in these divots or ruts, the operator will smooth the surface of the area holding water so that it can flow freely to the designated basins and storm water structures.
- 3). Periodic sampling and testing of these materials will be done to ensure no harmful contaminants are being received into the facility. This issue should not occur due to the fact that most of this material will be coming from construction sites where the Owner/Operator is handling the excavation of these materials.
- 4). Decomposed leaves received from the City of Oxford will be stored on the site with at least 50' distance from the Brush and Stump Storage area. Since these leaves are already decomposed, little maintenance will be required for this material. However, to ensure the safety to the facility and to avoid potential pathogens from being introduced into the product, the operator will test the temperatures at least once every 14 days. In the event the decomposed leaves have a temperature over 140 degrees, the operator will utilize an excavator or other equipment capable of digging into the material to remove the heat from the material. In order to control the potential for this occurrence, the decomposed leaves piles will not exceed 30 feet in height, 50 feet in width and 200 feet in length.

Once the material in the Brush and Stump Storage area has had sufficient time to age and depending on the amount of Input Material received during any given time, the material will be removed from the Brush and Stump Storage area and moved to the Topsoil mixing area as found on the site plan. Material amounts from the Brush and Stump Storage area will be sufficient enough to mix with other materials stored near the Topsoil mixing area. This material includes the Fill Dirt, Topsoil, and Decomposed Leaves.

A Wheeled Loader or other piece of equipment capable of loading the Wildcat Screener will be used to bring equal amounts of each material to the screener for processing. The Brush & Stump material will be mixed with the Fill Dirt, Topsoil and Decomposed leaves based on the requirement for the product being manufactured. Screening fines (small particles) will be stored after screening in the Finished Topsoil area as shown on the site plan. From this screening process there will be some oversized residual material. This material will be transported back to the Brush and Stump Storage area to give this material more time to breakdown.

John Bryan Yard Waste Recycling

Finished Topsoil will be transported to another facility for sales on a retail basis. This function is performed by Bryan's Soil and Stone, Inc. On occasion, a customer's truck will enter the facility to remove larger amounts of the finished topsoil. The truck driver will enter in the same manner as all other traffic. The truck will be loaded with a wheeled loader or other piece of equipment capable of loading this material into the truck. This operation will occur in the Truck Loading area as identified on the site plan. Records will be kept by the Operator to identify the amount of Finished Topsoil sold via truck load and how much is sent to their retail facility.

Other operational practices include:

- *Storage volume for the facility shall be limited to the dimensions and locations (shown on the Site Plan) of the Brush & Stump Storage Area, Decomposed leaves area, Imported fill dirt area and Imported topsoil area. This is just over 8,000 cy.

- *No processing will occur during heavy rains (more than 5" in a 24 hour period).

- *No processing will occur during icy or snowy conditions.

- *The facility will close during any time when it is not safe to operate the equipment.

- *The facility will be closed on all major Holidays.

- *Finished topsoil will be marketed to local landscaping companies, builders, developers, Department of transportation operations, and on a retail basis to customers of Bryan's Soil and Stone, Inc.

- *In the event of a disruption in the markets for the Finished Topsoil that results in higher inventories, the operator will cease taking in new Input Material until the rate of sales of the Finished Topsoil return. This will eliminate the potential for any issues with space or an over abundance of material on the facility at one time.

- *Operator will keep records and store them on a computer to show daily amounts of Input Material brought in to the facility and Finished Topsoil removed from the facility. Since no scales are available at the facility, the amounts recorded will be on a cubic yard basis.

Equipment to perform these operations consists of the following. All this equipment is currently being utilized in the Owner/Operators Grading business.

- 1). I-750 John Deere Dozer, 150HP w/12 foot blade
- 2). Wildcat Screening Machine (capability of processing 100cy per hour)
- 3). 2 – 200 Series Excavators, 150HP
- 4). 650 John Deere Dozer, 96 HP w/8 foot blade
- 5). Champion Motor Grader, 150HP w/12 foot blade
- 6). CAT 953-B Track Loader, 150HP w/3cy bucket
- 7). Kawasaki Wheeled Loader, 150HP w/3cy bucket
- 8). Hancock Paddle Pan; 140HP, 10cy
- 9). JCB Backhoe 1400 Site Master, w/2cy bucket
- 10). 2 – John Deere Farm Tractors
- 11). 2 – Tandem Dump Trucks, w/18cy bed
- 12). 2 – Road Tractors
- 13). 30 foot dump trailer, w/40cy bed

John Bryan Yard Waste Recycling

Contingency Plan to assist in the times equipment failures occur. Local rental agencies have similar equipment available for daily to monthly leasing. Our company employs several qualified mechanics that can repair most malfunctions; however contracts are in place with Certified Manufacture Mechanics for most of the Equipment listed.

5/6/09

A handwritten signature in cursive script, appearing to read "John Bryan".



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

March 9, 2009

Mr. John Bryan
John Bryan Yard Waste Recycling
3092 Sam Usry Rd
Oxford NC 27565

Re: Treatment and Processing Facility

Dear Mr. Bryan,

The Division of Waste Management has received your revised application package for a treatment and processing facility in Granville County. Additional information is needed before the review of the application package can be completed. I have listed the additional information that is needed below:

- 1) The operation manual listed the distances to property lines from the center of the facility. Please note that the 50' property line setback must be maintained around all sides of the facility.
- 2) The operation plan needs to state if the total volume of material accepted per year is 1800 cubic yards. The operation plan should list the operational capacity of the facility.
- 3) An area called "Stump Delivery Area" is not listed on the site plan. This location needs to be clarified on the site plan. It can be written in if needed.
- 4) The operation manual should clarify the approximate size of the input material pile that triggers processing.
- 5) The operation manual should clearly state the approximate time frame that material is left in the brush and stump storage area.
- 6) The operation manual should state that temperatures will be checked at least every 30 days and more often as needed depending on site and pile conditions. The 118 degree temperature point should be changed to 110 degrees.
- 7) The operation manual needs to list dimensions for the decomposed leaf pile.
- 8) Under other operational practices, the document needs to state that the storage volume for the facility shall be limited to the dimensions and locations of the brush and stump storage area, the decomposed leaf area, the imported fill dirt area, and the imported topsoil area.



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

9) Three copies of the information listed above shall be submitted to the Division for review.

Please let me know if you have any questions regarding this letter.

Sincerely,

Michael E. Scott
Environmental Supervisor
Composting and Land Application Branch

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Mr. Michael Scott
NCDENR
Environmental Supervisor
Composting and Land Application Branch
1646 Mail Service Center
Raleigh, NC 27699-1646



Dear Michael,

Thank you in advance for taking the time to review the following information for John Bryan Yard Waste Recycling.

The attached documents include required information and the application for a Permit for a Wood Waste and Land Clearing Debris Treatment and Processing facility. This facility is being permitted to allow us to accept Yard Waste and Land Clearing Debris which we will process to manufacture a high quality top-soil. It is our understanding the attached information is required to obtain this type of permit from NCDENR.

As requested we are submitting the following information in accordance with all local and state requirements. We believe the information contained within this permit application is complete and accurate.

The documentation attached includes three copies of the following: A site plan we had developed by Site Technologies, Inc. of Oxford, NC; Citing data including Setbacks, Groundwater depth, and other required information; An Operation Plan describing the receiving, processing, handling and storage of material on the site; An Equipment list showing any equipment that may be used to process material; Other information as required.

Should you need any other information for this permit application, please let me know as soon as possible. We have been trying to get this process completed for some time now; so your quick response to this application will be greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "John Bryan".

John Bryan
John Bryan Yard Waste Recycling

John Bryan Yard Waste Recycling

Permittee Information:

Owner/Operator of facility:	Primary Contact for facility:
Bryan Brothers, LLC 3092 Sam Usry Road Oxford, NC 27565 (919) 690-2640	Mr. John Bryan 3092 Sam Usry Road Oxford, NC 27565 (919) 690-2640

Property Information:

The Recycling facility is located at 3092 Sam Usry Rd. Oxford, NC 27565 in the county of Granville. The land parcel ID is 19100020783. The entire property consists of 7.38 acres. The main processing area of the facility is where the raw material is screened to manufacture Top-Soil. This area consists of approximately 2.0 acres and is located in the center of the property. This processing area is 312 feet from the closest property line at Sam Usry Road. The main area for receiving and storing the incoming raw material is located at the southwest portion of the property. The rest of the acreage is used for product storage, offsets, pathways between material and roadways.

All required basins, ponds and storm water collection structures are constructed and have been approved by local regulators. As indicated on the site plan, every attempt has been made to control the flow of storm water on the property. Control and maintenance of these structures is discussed in the following operational plan for this facility.

Maps & Photos:

The attached **Aerial Photograph** of the property and the surrounding area was provided by the Granville County online GIS system. The site is in the Fishing Creek Township but is under the development plan of Granville County. The site is bordered by mostly agricultural tracts. The Owner/Operator and his immediate family own all of the surrounding tracts of land. We have also attached a **Vicinity Map** showing the location of this property in conjunction to local towns and cities, including major thoroughfares.

Site Plan:

The **Site Plan** that is attached shows the property and the layout of the facility. This plan shows the screening areas, Brush and Stump dumping and storage area, finished product area, property lines, topography, sediment and erosion control structures, stormwater structures, utilities, roadways and traffic flow. Proper Setback information including distance to property line, closest residence and water sources is also identified on this site plan.

John Bryan Yard Waste Recycling

The **Sedimentation and Erosion Control Plan** used for this permit application conforms to all existing requirements from the County of Granville and the State of NC DENR. The Storm Water coming from the processing areas will be captured and controlled within the basins and the surrounding runoff has been controlled to conform to all local and state requirements. Each Basin and Structure will be inspected, cleaned, repaired (if necessary), lined (if necessary) and made to meet or exceed current local and DWQ water quality requirements.

Sitting Criteria:

Setbacks – The setbacks for the property are as follows

- From center of processing area = 342 feet to closest property line
- From center of processing area = 2012 feet to closest residential building
- From center of processing area = 1857 feet to Highway 15
- From center of processing area = 2661 feet to closest water supply well
- From center of processing area = 2879 feet to closest surface water
- From center of processing area = 1200 feet to 100yr flood plain

100 Year Flood Plain – FEMA flood insurance maps show this property is not in a flood plain and identifies the closest area to the property that is. (see attached map)

Depth of Groundwater - The facility is not located where the depth to the seasonal high water table is within 12 inches of the soil surface. ATC engineering firm tested the site and the facility complied with all required qualifications (see attached report)

Endangered or Threatened Species – The property does not contain any endangered or threatened species, wildlife or plants and the use of the facility will not cause any harm to any habitats. Processing of material will not cause any harm to any habitats as reported by the North Carolina Wildlife Resources commission. (see attached report)

Planning/Zoning – The property is zoned AR-40 by the Granville County Zoning office and is in their planning and zoning jurisdiction. A Special Use permit has been received from Granville County for this facility. The Special Use Permit number is SU-3-2007.

Legal Description – A copy of the existing NC General Warranty Deed on this property is attached to show the Legal Description of the property. This Deed is located in the Granville County Register of Deeds in Book 943, Page 639.

John Bryan Yard Waste Recycling

Operation Plan:

This facility will process approximately 1800 cubic yards per year of the following material:

- Fill Dirt
- Topsoil
- Brush
- Stumps
- Decomposed Leaves (from local municipality)

All this material will be processed to make topsoil.

John Bryan Yard Waste Recycling will open the facility from 8:00am to 5:00pm, Monday through Saturday. Fill Dirt, Brush & Stumps will be brought in by varying sizes of trucks and/or trailers. These loads will be visually inspected by an attendant. Any unacceptable material will not be allowed to enter the facility.

Trucks entering the facility will come to the attendants building which is located at 4054 Highway 15 South, this is the location for Bryan's Soil and Stone, Inc. Once the attendant has approved the load for delivery to John Bryan Yard Waste Recycling, the truck will proceed south on a gravel road to the southwest area of the facility. This area which is labeled as Stump Delivery Drive on the site plan will be plainly marked for the truck driver identifying exactly where to drop the load of material.

Processing of this material (herein called Input Material) may not happen immediately. The process for when to begin handling the Input Material is based on the number and sizes of the loads of Input Material being delivered. Once a pile sufficient enough to warrant processing is generated, the operator will begin to move the Input Material to the area known as Brush and Stump Storage Area on the site plan. The moving of this Input Material will be done by a John Deere Dozer or similar equipment of sufficient weight and size to handle the task. During this process should any foreign items be found in the Input Material, it will be collected by the operator and removed to a suitable waste collection container. The piles of Input Material placed in the Brush and Stump Storage Area will be controlled by the criteria of Last in-Last out. The piles of Input Material will be allowed to age in excess of 9 months or more depending on the volume of Input Material received in a given period of time. The Brush and Stump Storage Area will contain rows not to exceed 25' in height, 50' in width and 400' in length.

John Bryan Yard Waste Recycling

During the time period that the Input Material is allowed to sit in these piles located in the Brush and Stump Storage Area, these operational requirements will be followed:

- 1). Test the internal temperature at least one time in a 30 day period and keep records of any temperature found to be above 118 degrees Fahrenheit. Should internal temperatures exceed 140 degrees Fahrenheit, the operator will use an excavator or other available equipment to dig through the pile and aerate the material thus releasing the heat that was being generated. This should not happen considering the amount of dirt located within the Input Material.
- 2). Identify any vectors found, such as flies, mosquitoes, mice, etc. If any such vectors are found in large numbers, the operator will extract, eradicate and remove the vectors from the facility. With normal maintenance of the facility and under normal weather conditions, this issue of vectors should not be problematic. However the operator will inspect the facility at least weekly to ensure these vectors do not inhabit the facility.
- 3). Standing water from rain events will not be allowed to pool around the piles located in this area. Proper grading of the facility has been done to ensure the runoff of this type of water will occur naturally. Should divots or ruts be created under normal operation within this area and water does collect in these divots or ruts, the operator will smooth the surface of the area holding water so that it can flow freely to the designated basins and storm water structures.
- 4). Sediment, Slag or Silt that enters the Storm water structures will be removed on a regular basis depending upon the need. During any unusually wet conditions this may be required more frequently, however under normal historical rainfall totals for Granville County; this procedure should not be needed more than once or twice a year.
- 5). These piles will be seeded with wheat, oats or millet to help prevent erosion. This also aids in the breakdown of the wood and stump material found in the piles.
- 6). Clean paths will be kept between each row in the Brush and Stump Storage area. These paths will be at least 15 feet apart, thus providing access to processing equipment and fire vehicles if ever necessary.
- 7). Fire fighting equipment including extinguishers will be located on each piece of equipment operated on the facility. Operators will be trained in the operation of this equipment and be given instruction on how to fight a fire should one occur.

During normal operational procedures, the facility will accept other material to be used for manufacturing their topsoil. This material includes Fill Dirt, Topsoil and Decomposed Leaves. The trucks bringing this type of material will enter the facility through the same pattern as the Input Material discussed earlier. The driver will be directed to the proper location to drop off their material. Once the material is accepted it will be pushed up into a large pile located in the areas designated on the site plan. Due to the nature of this material, there is no set height, width or length required for the storage of this material. The following operational procedures will be followed in the maintenance of these storage areas:

John Bryan Yard Waste Recycling

- 1). Identify any vectors found, such as flies, mosquitoes, mice, etc. If any such vectors are found in large numbers, the operator will extract, eradicate and remove the vectors from the facility. With normal maintenance of the facility and under normal weather conditions, this issue of vectors should not be problematic. However the operator will inspect the facility at least weekly to ensure these vectors do not inhabit the facility.
- 2). Standing water from rain events will not be allowed to pool around the piles located in these areas. Proper grading of the facility has been done to ensure the runoff of this type of water will occur naturally. Should divots or ruts be created under normal operation within these areas and water does collect in these divots or ruts, the operator will smooth the surface of the area holding water so that it can flow freely to the designated basins and storm water structures.
- 3). Periodic sampling and testing of these materials will be done to ensure no harmful contaminants are being received into the facility. This issue should not occur due to the fact that most of this material will be coming from construction sites where the Owner/Operator is handling the excavation of these materials.
- 4). Decomposed leaves received from the City of Oxford will be stored on the site with at least 50' distance from the Brush and Stump Storage area. Since these leaves are already decomposed, little maintenance will be required for this material. However, to ensure the safety to the facility and to avoid potential pathogens from being introduced into the product, the operator will test the temperatures at least once every 14 days. In the event the decomposed leaves have a temperature over 140 degrees, the operator will utilize an excavator or other equipment capable of digging into the material to remove the heat from the material.

Once the material in the Brush and Stump Storage area has had sufficient time to age and depending on the amount of Input Material received during any given time, the material will be removed from the Brush and Stump Storage area and moved to the Topsoil mixing area as found on the site plan. Material amounts from the Brush and Stump Storage area will be sufficient enough to mix with other materials stored near the Topsoil mixing area. This material includes the Fill Dirt, Topsoil, and Decomposed Leaves.

A Wheeled Loader or other piece of equipment capable of loading the Wildcat Screener will be used to bring equal amounts of each material to the screener for processing. The Brush & Stump material will be mixed with the Fill Dirt, Topsoil and Decomposed leaves based on the requirement for the product being manufactured. Screening fines (small particles) will be stored after screening in the Finished Topsoil area as shown on the site plan. From this screening process there will be some oversized residual material. This material will be transported back to the Brush and Stump Storage area to give this material more time to breakdown.

John Bryan Yard Waste Recycling

Finished Topsoil will be transported to another facility for sales on a retail basis. This function is performed by Bryan's Soil and Stone, Inc. On occasion, a customer's truck will enter the facility to remove larger amounts of the finished topsoil. The truck driver will enter in the same manner as all other traffic. The truck will be loaded with a wheeled loader or other piece of equipment capable of loading this material into the truck. This operation will occur in the Truck Loading area as identified on the site plan. Records will be kept by the Operator to identify the amount of Finished Topsoil sold via truck load and how much is sent to their retail facility.

Other operational practices include:

- *No processing will occur during heavy rains (more than 5" in a 24 hour period).
- *No processing will occur during icy or snowy conditions.
- *The facility will close during any time when it is not safe to operate the equipment.
- *The facility will be closed on all major Holidays.
- *Finished topsoil will be marketed to local landscaping companies, builders, developers, Department of transportation operations, and on a retail basis to customers of Bryan's Soil and Stone, Inc.
- *In the event of a disruption in the markets for the Finished Topsoil that results in higher inventories, the operator will cease taking in new Input Material until the rate of sales of the Finished Topsoil return. This will eliminate the potential for any issues with space or an over abundance of material on the facility at one time.
- *Operator will keep records and store them on a computer to show daily amounts of Input Material brought in to the facility and Finished Topsoil removed from the facility. Since no scales are available at the facility, the amounts recorded will be on a cubic yard basis.

Equipment to perform these operations consists of the following. All this equipment is currently being utilized in the Owner/Operators Grading business.

- 1). I-750 John Deere Dozer, 150HP w/12 foot blade
- 2). Wildcat Screening Machine (capability of processing 100cy per hour)
- 3). 2 – 200 Series Excavators, 150HP
- 4). 650 John Deere Dozer, 96 HP w/8 foot blade
- 5). Champion Motor Grader, 150HP w/12 foot blade
- 6). CAT 953-B Track Loader, 150HP w/3cy bucket
- 7). Kawasaki Wheeled Loader, 150HP w/3cy bucket
- 8). Hancock Paddle Pan; 140HP, 10cy
- 9). JCB Backhoe 1400 Site Master, w/2cy bucket
- 10). 2 – John Deere Farm Tractors
- 11). 2 – Tandem Dump Trucks, w/18cy bed
- 12). 2 – Road Tractors
- 13). 30 foot dump trailer, w/40cy bed

John Bryan Yard Waste Recycling

Contingency Plan to assist in the times equipment failures occur. Local rental agencies have similar equipment available for daily to monthly leasing. Our company employs several qualified mechanics that can repair most malfunctions; however contracts are in place with Certified Manufacture Mechanics for most of the Equipment listed.



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

January 30, 2009

Mr. John Bryan
John Bryan Yard Waste Recycling
3092 Sam Usry Rd
Oxford NC 27565

Re: Treatment and Processing Facility

Dear Mr. Bryan,

The Division of Waste Management has received your revised application package for a treatment and processing facility in Granville County. Additional information is needed before the review of the application package can be completed. I have listed the additional information that is needed below:

- 1) The name, address and phone number of the operator, primary contact person and owner of the facility needs to be listed within the main application and operation manual (not on a separate page).
- 2) The Division needs confirmation that the site location is not within a wetland. The army corp of engineers can assist with this determination or the USDA Natural Resource Conservation Service.
- 3) A description of how the facility meets the following setbacks: 100 ft from surface waters, 50' from property lines, 200 ft to residential dwellings and commercial or public buildings, 100 ft to water supply wells. The current submittal did not include the distance to property lines and all setbacks need to be incorporated into the main application and operation manual.
- 4) Site plan or scale drawing, 1 inch = 100 feet or less, showing the following items:
 - a) Property lines
- 5) A revised operation plan needs to be submitted that includes:
 - a) Additional information regarding the receiving, processing, handling, and storage of materials. This information should include a detailed summary of how waste enters the facility and is processed while also including procedures for the processing of waste that is onsite. The operation plan discusses loads of waste being sent to the unloading area but it is not listed on the site plan. The following paragraph describes separating debris into different piles and handling in its proper way. The "proper way" of handling each pile needs to be listed along with the locations listed on the site plan. The operation plan

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone: 919-508-8400 \ FAX: 919-715-4061 \ Internet: www.wastenotnc.org

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North Carolina
Naturally

should also list the specific measures for handling leaves including any turning and the time frame they are stored onsite since leaves are yard trash and cannot be immediately blended upon receipt.

- b) A summary on how the site will be maintained to prevent surface water from ponding and ruts from occurring around storage piles, etc. should also be included.
- c) An updated list of all equipment to be utilized at the site for processing handling and loading of materials. The current list only provides the partial names of equipment "750 John Deere."
- d) A contingency plan for vectors (mice, flies, etc.) needs to be included in the operation manual.
- e) Records indicating the inflow and outflow of material in tons. The current manual states that additional records are available by contacting management (what type of records?)
- f) An updated report that lists the design capacity of the facility, the means for treating and processing materials, anticipated process duration including receiving, preparation, treating, processing, storing and distribution.
- g) Specific information needs to be supplied on pile size for each process (length, width, height) and width and location of access roads. The current pile sizes for the windrows needs to be changed to 25' tall, 50' wide and 150' long.

6) Construction plans and specifications for the facility including manufacturer's performance data for all equipment selected.

7) Three copies of the information listed above shall be submitted to the Division for review.

Please let me know if you have any questions regarding this letter.

Sincerely,



Michael E. Scott
Environmental Supervisor
Composting and Land Application Branch

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North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

October 23, 2008

Mr. John Bryan
John Bryan Yard Waste Recycling
3092 Sam Usry Rd
Oxford NC 27565

Re: Treatment and Processing Facility

Dear Mr. Bryan,

The Division of Waste Management has received your application package for a treatment and processing facility in Granville County. Additional information is needed before the review of the application package can be completed. I have listed the additional information that is needed below:

- 1) The name, address and phone number of the operator, primary contact person and owner of the facility.
- 2) The Division needs confirmation that the site location is not within the 100 yr floodplain or a wetland. A FEMA flood insurance map will confirm the location in regards to the floodplain.
- 3) A description of how the facility meets the following setbacks: 100 ft from surface waters and property lines, 200 ft to residential dwellings and commercial or public buildings, 100 ft to water supply wells.
- 4) An aerial photograph, scale 1" is equal to 400' feet or less showing the area for at least 1000' around the proposed facility.
- 5) A vicinity map showing the location of the proposed facility.
- 6) Site plan or scale drawing, 1 inch = 100 feet or less, showing the following items:
 - a) Property lines
 - b) Existing topography
 - c) Permanent and temporary sediment and erosion control structures
 - d) The location of existing and proposed buildings, structures for storage of materials, monitoring or water supply wells, and utilities.
 - e) Existing surface water features (ditches, ponds, swamps, etc.)
 - f) Access control features (gates, fences, and earthen berms)
 - g) Existing and proposed roads and the anticipated traffic flow pattern
 - h) Adjacent land uses
 - i) Locations of stockpiles shown on the site plan, with proposed pile sizes, traffic lanes between piles, and types of material in each pile.

- 7) A revised operation plan needs to be submitted that includes:
- a) Additional information regarding the receiving, processing, handling, and storage of materials. This information should include a detailed summary of how waste enters the facility and is processed while also including procedures for the processing of waste that is onsite. Additional information is also needed on how quantities of waste received and processed will be documented.
 - b) A summary on how the site will be maintained to prevent surface water from ponding and ruts from occurring around storage piles, etc. should also be included.
 - c) An estimate of how much of each type of material to be received will be processed per day or week.
 - d) An explanation of how non-recyclable material will be managed at the site, an estimate of how much of that material will be managed, and the name and location of the facility where the material will ultimately be disposed.
 - e) A list of all equipment to be utilized at the site for processing handling and loading of materials.
 - f) Contingency plans for equipment failure, fire or medical emergencies, spills, undesirable conditions such as heavy rains, snow, freezing conditions, vectors, dust, noise, and odors and for poor market conditions.
 - g) Records indicating the inflow and outflow of material in tons.
 - h) A report that lists the design capacity of the facility, the means for treating and processing materials, anticipated process duration including receiving, preparation, treating, processing, storing and distribution.
 - i) Specific information needs to be supplied on pile size for each process (length, width, height) and width and location of access roads.

8) Construction plans and specifications for the facility including manufacturer's performance data for all equipment selected.

9) Three copies of the information listed above shall be submitted to the Division for review.

Please let me know if you have any questions regarding this letter.

Sincerely,



Michael E. Scott
Environmental Supervisor
Composting and Land Application Branch

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HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	John N. Bryan 3092 Sam Usry Rd. Oxford, NC 27565	Request Date:	1/27/09	County:	Granville
Agency or Person Requesting Determination:	Diana Lewis, District Conservationist	Tract No:	1848	FSA Farm No.:	978

Section I - Highly Erodible Land

Is a soil survey now available for making a highly erodible land determination?	Yes
Are there highly erodible soil map units on this farm?	Yes

Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

Field(s)	HEL(Y/N)	Sodbust(Y/N)	Acres	Determination Date
13	Y	N	7.2	2/17/2009
-	-	-		
-	-	-		
-	-	-		
-	-	-		

The Highly Erodible Land determination was completed in the Field

Section II - Wetlands

Are there hydric soils on this farm?	Yes
--------------------------------------	-----

Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

Field(s)	Wetland Label*	Occurrence Year (CW)**	Acres	Determination Date	Certification Date
13	NW		7.2	2/17/2009	2/17/2009
19	PC	1978	9.2	"	"
20	PC	"	19.1	"	"
21	PC	"	15.6	"	"
22	PC	"	12.2	"	"

The wetland determination was completed in the -Field It was -delivered to the person on 2/18/2009.

Remarks: This wetland determination was conducted in the field to evaluate the presence of wetlands on field 13. Field 13 is an upland site with no hydric conditions and it is not impacting any offsite wetlands. Hydric soils are present in prior converted fields 19,20,21 and 22. See attached map.

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature Designated Conservationist	Date
<i>Diana Lewis</i>	2/17/2009

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

*DEFINITIONS OF WETLAND LABEL CODES

AW	Artificial Wetland. An area that is artificial or irrigation induced wetland. These wetlands are not subject to the wetland conservation provision.
AW/FW	An area that contains both AW and FW.
AW/W	An area that contains both AW and W.
CC	Commenced Conversion exemption.
CPD	Corps Permit Decision. Corps of Engineers permit decisions regarding section 404 of the Clean Water Act will be relied upon to satisfy the wetland conservation provisions of the Food Security Act of 1985, as amended.
CMW	An area that receives a Categorical Minimal Effect determination.
CW	Converted Wetlands. An area converted between December 23, 1985 and November 28, 1990. IN any year that an agricultural commodity is planted on these converted wetlands, you will ineligible for USDA benefits.
**CW+year	An area converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.
CWNA	Converted Wetland Non-Agricultural use. A wetland area converted to other than agricultural commodity production.
CWTE	Converted Wetland Technical Error. An area converted or commenced based on an incorrect NRCS determination or misinformation from a NRCS or FSA employee.
FW	Farmed Wetland. An area that is farmed wetland; was manipulated and planted before December 23, 1985, but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
FWP	Farmed Wetlands Pasture. An area that is pasture or hayland, manipulated before December 23, 1985 but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
MIW	Mitigation Wetlands. Wetlands on which a person is actively mitigating a frequently cropped area or a wetland converted between December 23, 1985 and November 28, 1990. A converted wetland, farmed wetland, or farmed wetland pasture on which functions and values were lost are compensated for through wetland restoration, enhancement or creation.
MW	Minimal effect Wetland. An area determined to be minimal effect. These wetlands are to be farmed according to the minimal-effect agreement signed at the time the minimal-effect determination was made,
MWM	An area determined to be minimal effect with mitigation.
NI	Not Inventoried – No wetland determination has been completed.
NW	Non-Wetland. An area that does not contain a wetland.
NW/NAD	An area determined to be a non-wetland resulting from a decision from the National Appeals Division.
OW	Other Waters of the U.S. Area that fall under the jurisdiction of the Clean Water Act.
PC	Prior Converted cropland, which was drained filled, or manipulated before December 23, 1985; was cropped prior to December 23, 1985; was not abandoned; and does not meet FW criteria. These are not subject to the wetland conservation provision unless the area reverts to wetland as a result of abandonment.
PC/NW	An area that contains both PC and NW.
TP	Third Party Exemption.
W	Wetlands. An area meeting wetland criteria, including wetland farmed under natural conditions. If you plan to clear, drain, fill, level or manipulate these areas, contact NRCS and the Army Corp of Engineers prior to any such activity.
WX	A wetland area that has been manipulated after December 23, 1985, but was not, for the purpose of making production possible and production was not made possible. These include wetlands manipulated by drainage maintenance agreements.

**Granville County FSA
Farm 978 Tract 1848**

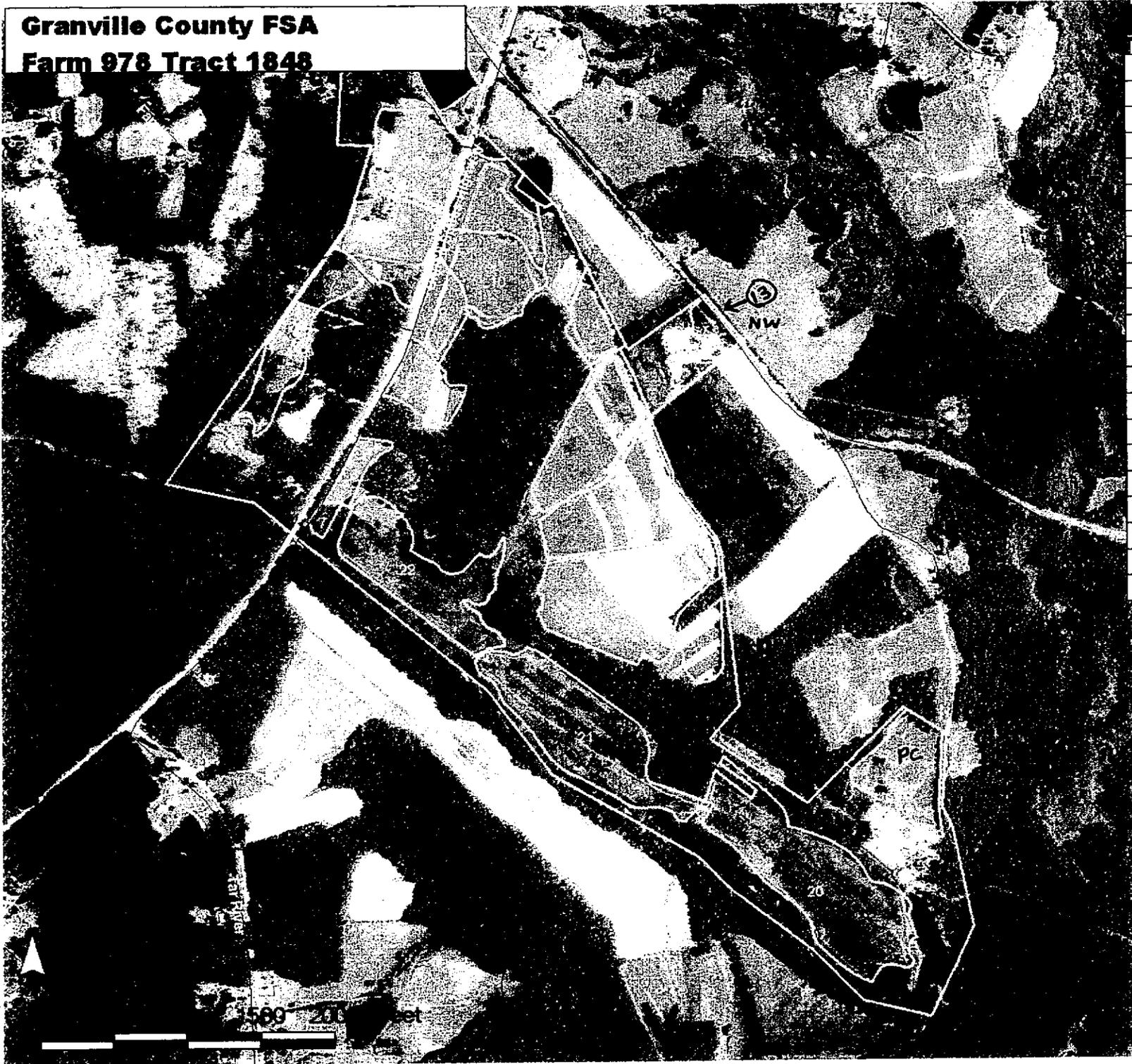


Fig	Acres	Crop	H&L	CRP
1	0.62			
2	7.40			
3	7.88			
4	6.96			
6	1.84			
7	0.65			
8	4.04			
9	3.46			
10	7.30			
11	6.22			
12	3.19			
13	1.75			
14	3.22			
15	10.34			
16	11.61			
17	17.00			
18	2.78			
19	9.15			
20	19.07			Y
21	15.61			Y
22	12.18			Y

**Total Cropland Acres
152.3**



HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	John N. Bryan 3092 Sam Usry Rd. Oxford, NC 27565	Request Date:	1/27/09	County:	Granville
Agency or Person Requesting Determination:	Diana Lewis, District Conservationist	Tract No:	1848	FSA Farm No.:	978

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Field(s)	HEL(Y/N)	Sodbust(Y/N)	Acres	Determination Date
13	Y	N	7.2	2/17/2009
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-

The Highly Erodible Land determination was completed in the Field

Section II - Wetlands

Are there hydric soils on this farm?	Yes
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Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

Field(s)	Wetland Label*	Occurrence Year (CW)**	Acres	Determination Date	Certification Date
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Remarks: This wetland determination was conducted in the field to evaluate the presence of wetlands on field 13. Field 13 is an upland site with no hydric conditions and it is not impacting any offsite wetlands. Hydric soils are present in prior converted fields 19,20,21 and 22. See attached map.

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature Designated Conservationist	Date
<i>Diana Lewis</i>	2/17/2009

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

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AN ORDER GRANTING AND FINDINGS OF FACT FOR CASE # SU-3-2007, JOHN BRYAN, APPLICANT, YARD WASTE RECYCLING BUSINESS LOCATED OFF OF SAM USRY ROAD, SPECIAL USE PERMIT, BY THE GRANVILLE COUNTY BOARD OF COMMISSIONERS.

Whereas, the Granville County Board of Commissioners found it necessary to adopt the Granville County Land Development Ordinance on July 12, 1999, to provide for the orderly, planned, and efficient growth of Granville County; and,

Whereas, an application has been filed for a special use permit by Mr. John Bryan as provided in Section 32-1082 of the Granville County Land Development Ordinance as generally described as follows:

SU-3-2007 John Bryan, Yard Waste Recycling, off Sam Usry Road

Mr. John Bryan requested a special use permit application to conduct a yard waste recycling business at property located off of Sam Usry Road. The business will be conducted on approximately 7.38 acres of land. The land is owned by Bryan Brothers LLC and is specifically identified as Tax Map #191000105891. The property is zoned Agricultural Residential 40 (AR-40).

Whereas, the Granville County Planning Board held a public hearing on October 18, 2007 as provided in Section 32-1082 and Section 32-1162 of the Granville County Land Development Ordinance, and made a positive recommendation concerning the application to the Board of County Commissioners.

Whereas, a notice of public hearing was accomplished as provided in Section 32-1082 and Section 32-1162 of the Granville County Land Development Ordinance for a Special Use Permit Application and a public hearing was held by the Board of Commissioners on November 19, 2007, at which, evidence was presented at the public hearing according to Section 32-1163 of the Granville County Land Development Ordinance.

Having heard all the evidence and argument presented at the hearing, the Board finds the following findings of fact:

1. All applicable specific conditions pertaining to the proposed special use have been or will be satisfied.
2. Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.
3. Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood.

4. Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.
5. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impact subject to the conditions and safeguards listed below.
6. The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood subject to the conditions and safeguards listed below.

NOW THEREFORE, BE IT ORDERED BY THE GRANVILLE COUNTY BOARD OF COMMISSIONERS THAT:

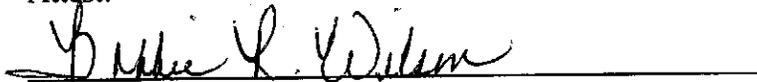
IN WITNESS WHEREOF, the Board of Commissioners of Granville County, North Carolina has caused this application for a Special Use Permit for a Yard Waste Recycling Business and the attached approved site plan to be granted as herein provided, and the undersigned, being the applicant and owner of the above stated case file, do hereby accept the approved special use permit, together with all its conditions, as binding on them and their successors in interest.

This order duly adopted by the Board of Commissioners of the County of Granville, North Carolina, this the 19th day of November, 2007.



Ronald R. Alligood, Chairman
Board of Commissioners of Granville County, North Carolina

Attest:



Bobbie R. Wilson
Clerk to the Board of Commissioners of Granville County, North Carolina

I, John Bryan, Applicant of the above-identified case, do hereby acknowledge receipt of the foregoing approval of Special Use Permit for the Yard Waste Recycling Business off of Sam Usry Road. The undersigned do further acknowledge that no work may be done except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

John Bryan
Applicant

11/21/07
Date

North Carolina
Granville County

I, Angela L. Oakley, a Notary Public in and for said State and County, do hereby certify that John Bryan Personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 21st day of November, 2007.



Angela L. Oakley
Notary Public

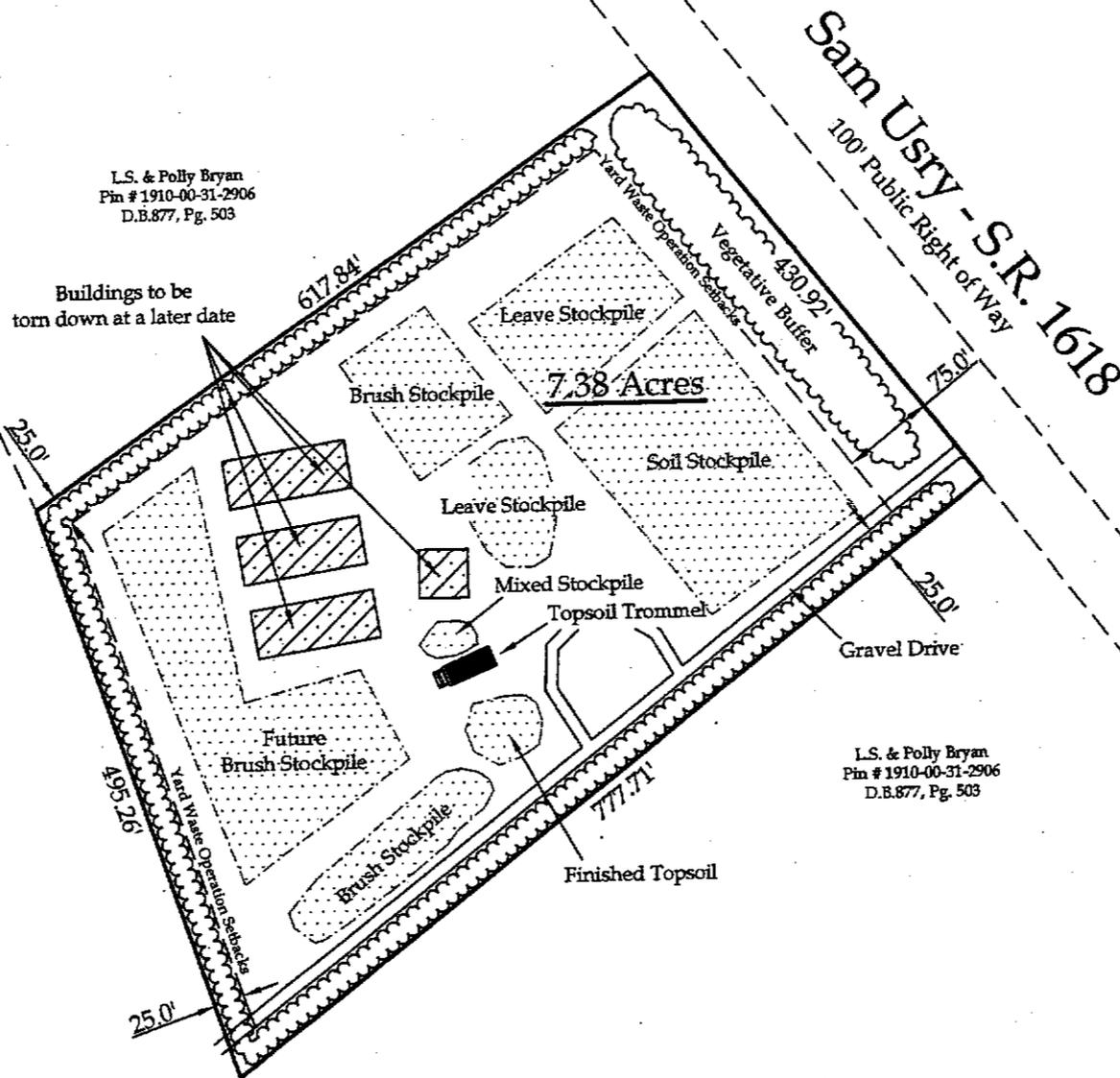
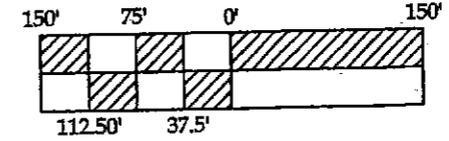
My commission expires:

June 11, 2012



N.C. GRID NORTH
(NAD 83)

SCALE 1" = 150'



Site Plan for :
 Bryan Brothers Llc.
 Date : September 20th , 2007

Granville County Commissioners
 Approval Signature:

Chairman, Granville County Commissioners
 11-19-07
 Date

03-26-2008 04:28pm From:JOHN W WATSON JR

+8106921192

T-267 P.002/002 F-840



STATE OF NORTH CAROLINA
COUNTY OF GRANVILLE

**AFFIDAVIT OF ROBERT T. BRYAN, JR. FOR BRYAN SOIL & STONE, INC.
PERMIT WITH N.C. DIVISION OF WASTE MANAGEMENT**

ROBERT T. BRYAN, JR., being first duly sworn, deposes and says:

1. I am an owner and managing member of Bryan Brothers, LLC with my brothers John Bryan and Benjamin L. Bryan.
2. By deed recorded in Deed book 943, Page 639 in the Granville County Register of Deeds Office, Bryan Brothers, LLC received the land which includes and adjoins the 7.38 acre recycling center described in the site plan prepared by Site Technologies on September 20, 2007.
3. As an owner in interest of Bryan Brothers, LLC and the property adjoining and including the facility, I approve of the siting and use as permitted by N.C. Division of Waste Management, Solid Waste Section for the purpose of storing, processing, recycling and marketing of land clearing waste and related organic materials.

Further your Affiant sayeth not.

This the 27th day of March, 2008.

Robert T. Bryan (SEAL)
Robert T. Bryan, Jr.

Sworn to and subscribed before me,
this the 27th day of March, 2008.

Linda Thomas
Notary Public

Linda Thomas
Printed Name of Notary Public

My commission expires: My Commission Expires March 31, 2008

My Commission No.
302510



WATSON, DUNLOW
& WILKINSON, P.A.
ATTORNEYS AT LAW
DPOKD, NC 27563

STATE OF NORTH CAROLINA

COUNTY OF GRANVILLE

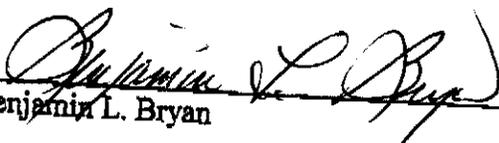
AFFIDAVIT OF BENJAMIN L. BRYAN FOR BRYAN SOIL & STONE, INC. PERMIT WITH N.C. DIVISION OF WASTE MANAGEMENT

BENJAMIN L. BRYAN, being first duly sworn, deposes and says:

1. I am an owner and managing member of Bryan Brothers, LLC with my brothers John Bryan and Robert T. Bryan, Jr.
2. By deed recorded in Deed book 943, Page 639 in the Granville County Register of Deeds Office, Bryan Brothers, LLC received the land which includes and adjoins the 7.38 acre recycling center described in the site plan prepared by Site Technologies on September 20, 2007.
3. As an owner in interest of Bryan Brothers, LLC and the property adjoining and including the facility, I approve of the siting and use as permitted by N.C. Division of Waste Management, Solid Waste Section for the purpose of storing, processing, recycling and marketing of land clearing waste and related organic materials.

Further your Affiant sayeth not.

This the 26 day of March, 2008.

 (SEAL)
 Benjamin L. Bryan

Sworn to and subscribed before me, this the _____ day of March, 2008.

Notary Public

Printed Name of Notary Public

My commission expires: _____

Corinth Fire Department

Corinth Fire Department is located about two miles from Bryan's Waste Recycling Center. Corinth Fire Department will respond to any incident at this facility with the necessary equipment.

CHIEF Robert E. Lane
Fire Chief



North Carolina Wildlife Resources Commission

20 November 2007

Mr. John Bryan
3092 Sam Usry Road
Oxford, NC 27565

Dear Mr. Bryan,

On 25 October 2007, I visited with you on your property at 3092 Sam Usry Road in Granville County, NC. The purpose of my visit was to perform an endangered species evaluation on the 7.3 +/- acre portion of the property where you plan to store tree stumps and woody debris until they can be converted into mulch and compost for landscape use. I have completed my evaluation of the site and determined that it does not contain any of the currently known state- or federally-listed threatened or endangered species plants or animals listed for Granville County.

My two greatest concerns were Rafinesque's big-eared bat (*Plecotus rafinesquii*) roosting in the old hog houses and smooth coneflower (*Echinacea laevigata*) growing in the surrounding open space. After a general observation, it was obvious that neither species were present. It is doubtful that smooth coneflower even existed around the site prior to the current small compost operation, mainly due to disturbances associated with the hog operation. At present, the entire 7.3-acre area has experienced soil disturbance from the compost activities and the filling of the hog lagoon. It was obvious to me that you have done a lot of soil stabilization work and sown a cover crop. Also, the hog houses are too dilapidated for use by big-eared bats or most other bats.

From my observations, using the site for storage and composting of woody debris will not negatively affect endangered plants or animals in Granville County. You may submit this letter to DENR as documentation of my visit and inspection. If I can be of further assistance, please do not hesitate to contact me (336-562-5066).

Sincerely,

Daniel Ray, Wildlife Biologist
NC Wildlife Resources Commission

Division of Wildlife Management
Mailing Address: 1722 Mail Service Center, Raleigh, N.C. 27699-1722
Physical Address: 1751 Varsity Drive, Raleigh, N.C. 27606
Phone: 919-707-0050
Fax: 919-707-0067



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Coleen H. Sullins, Director
Division of Water Quality

September 12, 2008



Mr. John Bryan
John Bryan Yard Waste Recycling
3092 Sam Usry Road
Oxford, NC 27565

Subject: General Permit No. NCG210000
John Bryan Yard Waste Recycling
COC NCG210391
Granville County

Dear Mr. Bryan:

In accordance with your application for coverage under Stormwater General Permit NCG210000 received on August 26, 2008, we are forwarding herewith the subject certificate of coverage to discharge under the subject state – NPDES general permit. This permit is issued pursuant to the requirements of North Carolina General Statute 143-215.1 and the Memorandum of Agreement between North Carolina and the US Environmental Protection Agency dated October 15, 2007 (or as subsequently amended).

DWQ has determined that coverage under General Permit NCG210000 (for stormwater discharges from Timber Product facilities) is appropriate based on your report of two specific aspects of your on-site industrial activities: that woody materials and soil are the only ingredients, and that while screening occurs, other typical composting activities (such as shredding, turning, and heat and moisture control) are not conducted on site. If either the ingredients or processes change, coverage under the general permit may no longer be appropriate.

Please note that the wet extended detention basin and the two sediment basins, as depicted in your permit application documents, are stormwater treatment units and require regular excavation and other maintenance in order to continue to effectively remove pollution from stormwater discharges.

Please note that Section I B of your permit provides that the permit does not authorize discharges that DWQ determines to be wastewaters. If DWQ subsequently discovers or determines that wastewater discharges are present, coverage under the general permit may no longer be appropriate.

Please note that this certificate of coverage is not transferable except after notice to, and approval by, the Division of Water Quality. The Division of Water Quality may require modification or revocation and reissuance of the certificate of coverage.

One
North Carolina
Naturally

This permit does not affect the legal requirements to obtain other permits which may be required by the Division of Water Quality or permits required by the Division of Land Resources, Coastal Area Management Act or any other federal or local governmental permit that may be required.

If you have any questions concerning this permit, please contact Brian Lowther at telephone number (919) 807-6368.

Sincerely,


for Coleen H. Sullins

cc: Raleigh Regional Office
Central Files
Stormwater Permitting Unit Files

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY



GENERAL PERMIT NO. NCG210000
CERTIFICATE OF COVERAGE No. NCG210391

STORMWATER DISCHARGES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provision of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

John Bryan/ John Bryan Yard Waste Recycling

is hereby authorized to discharge stormwater from a facility located at

John Bryan Yard Waste Recycling
3092 Sam Usry Raod
Oxford
Granville County

to receiving waters designated as UT to Tar River, a class WS-V; NSW water in the Tar-Pamilco River Basin, in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, IV, V, and VI of General Permit No. NCG210000 as attached.

This certificate of coverage shall become effective September 12, 2006.

This Certificate of Coverage shall remain in effect for the duration of the General Permit.

Signed this 12th day of September, 2006.



for Coleen H. Sullins., Director
Division of Water Quality
By the Authority of the Environmental Management Commission



John Bryan Yard Waste Recycling

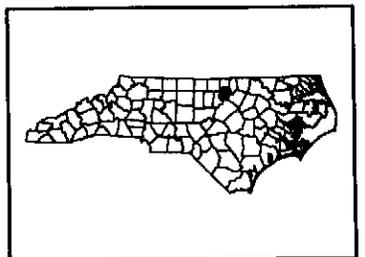
NCG210391



Map Scale 1:24,000

John Bryan Yard Waste Recycling

Latitude: 36° 13' 25" N
Longitude: 78° 37' 14" W
County: Granville
Receiving Stream: UT to Tar River
Stream Class: WS-V; NSW
Sub-basin: 03-03-01 (Tar-Pamlico River Basin)



Facility Location

Site Technologies, Inc.
 Landscape Architecture & Land Planning
 P.O. Box 1612
 Oxford, North Carolina 27565

LETTER OF TRANSMITTAL

1389

(919) 693-2927 Fax (919)693-2927

DATE 10/24/2000	JOB NO. 0821
ATTENTION	
RE: BROWN HARTS WASTE RECYCLING GRANVILLE CO.	

TO MR. MICHAEL SCOTT
NC DENO, SOLID WASTE
401 OVERLIN RD., SUITE 150
1646 MAX SERVICE CTR.
RALEIGH, NC 27699-1646

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
3	10/22/00	1 of 2	STORMWATER MANAGEMENT PLAN



THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS AS REQUESTED BY JOHN POKYAN.

COPY TO _____

SIGNED: TIM STALL

**State of North Carolina
Department of Environment
and Natural Resources
Raleigh Regional Office**

**Michael F. Easley, Governor
William G. (Bill) Ross, Secretary**



**DIVISION OF LAND RESOURCES
LETTER OF APPROVAL
November 5, 2007**

John Bryan
3092 Sam Usry Road
Oxford, NC 27656



RE: Project Name: John Bryan Yard Waste Recycling
County: Granville
Submitted by: Site Technologies
Date Received: 10/11/07; 10/25/07
Date Processing Initiated: 10/11/07
Watershed: Tar-Pamlico #1/03-03-01
New Submittal (X) Revised ()

Dear Mr. Bryan:

This office has reviewed the subject Erosion and Sedimentation Control Plan. We find the plan to be acceptable and hereby issue this letter of approval. If any modifications, performance reservations, or recommendations are applicable, a list is enclosed and is incorporated as a part of this letter of approval. The enclosed Certificate of Approval should be posted at the job site. In addition, it should be noted that this plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, in accordance with Title 15A, North Carolina Administrative Code (NCAC) 4B.0029.

If any modifications are not incorporated into the plan and implemented in the field, the site will be in violation of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute (NCGS), 113A-61.1).

15A NCAC 4B.0018(a) requires that a copy of the approved plan be on file at the job site. Also, this letter gives the notice required by NCGS 113A-61.1(a) concerning our right to perform periodic inspections to ensure compliance with the approved plan.

North Carolina's sedimentation pollution control program is performance oriented, requiring protection of the natural resources and adjoining properties. If at any time during this project it is determined that the Erosion and Sedimentation Control Plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (NCGS 113A-51 through 66), this office may require revisions in the plan and its implementation to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with applicable federal and state water quality laws, regulations and rules. This could include the Division of Water Quality under stormwater or other specific water quality standards, and the U.S. Army Corps of Engineers under Article 404 jurisdiction. Our approval does not supersede any other required permit or approval.

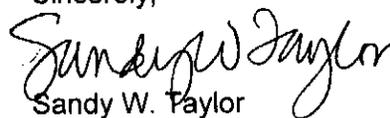
Since this project disturbs one or more acres, one such approval relates to the stormwater that will discharge from your project. This runoff is permitted pursuant to the National Pollutant Discharge Elimination System (NPDES) administered in North Carolina by the Division of Water Quality (DWQ). Attached is the General Stormwater NPDES Permit, NCG010000, as revised October 1, 2001, covering your activity. You are responsible for complying with the General Permit requirements and are subject to enforcement by DWQ for any violations of the General Permit.

Due to the location of this project, it should be noted that a rule to protect and maintain existing buffers along watercourses in the Tar-Pamlico River Basin became effective on January 1, 2000. The Tar-Pamlico River Riparian Area Protection and Maintenance Rule (15A NCAC 2B .0259) applies to all perennial and intermittent streams, lakes, ponds and estuaries in the Neuse River Basin with existing vegetation on the adjacent land or "riparian area". In riparian areas with existing vegetation in the first 30 feet directly adjacent to the stream, the rule prohibits land disturbance or new development within the first 30 feet of land next to the water (the remaining 20 feet of the total buffer must be revegetated upon completion of any proposed land-disturbing activity). In riparian areas with existing vegetation that is less than 30 feet wide, the rule prohibits land disturbance or new development within the area that contains the existing vegetation (but not the entire 50 foot riparian area). For more information about this riparian area rule, please contact the Division of Water Quality's Wetland/401 Unit at 919-733-1786, or a Division of Water Quality representative at this regional office.

Please note that this approval is based in part on the accuracy of the information provided concerning financial responsibility. You are requested to file an amended Financial Responsibility Form if any changes become necessary. In addition, it would be helpful if you would notify this office when the proposed land-disturbing activity covered by this plan is initiated.

Your cooperation is appreciated and we look forward to working with you on this project. If there are any questions, please do not hesitate to contact this office.

Sincerely,



Sandy W. Taylor
Asst. Regional Engineer
Land Quality Section

SWT:clm

cc: Tim Stall, Site Technologies
Danny Smith, DWQ-RRO Surface Water Protection

PLAN REVIEW COMMENTS

PROJECT NAME: John Bryan Yard Waste Recycling	DATE RECEIVED: 10/11/07; 10/25/07
LOCATION: Granv-2008-009	REVIEWED BY: GJ/ST
New Submittal (X) Revised ()	Approved (X) Disapproved ()

Reasons for Disapproval () Modifications (X) Performance Reservations ()

- 1) Modify baffle detail. Baffles can not be silt fence, they must be porous material (ie. jute).

RECOMMENDATIONS AND/OR COMMENTS:



ATC Associates of North Carolina, P.C.

Environmental, Geotechnical and Materials Engineers

2725 East Millbrook, Suite 121
Raleigh, NC 27604
www.atcassociates.com
919-871-0999
Fax 919-871-0335



October 22, 2007

Mr. John Bryan
Bryan's Clearing and Grading
3092 Sam Usry Road
Oxford, NC 27565
Ph: 919-693-9217 Fax: 919-690-1055

**RE: Water Table Evaluation for Potential Waste Storage at 3092 Sam Usry Road
Located in Oxford, North Carolina
ATC Project Number 45.30608.0007**

Dear Mr. Bryan:

As requested, ATC Associates has visited the above referenced project to observe and evaluate soils and water table conditions at locations designated by you as potential waste storage locations. The purpose of this evaluation is to determine if the water table, seasonal or perched, is located within 12 inches of the soil surface.

The site is located at 3092 Sam Usry Road in Oxford, North Carolina. The site is approximately 7.38 acres sloping front to back. At the time of our visit, most of the area designated for potential storage was stripped of vegetation and topsoil.

ATC visited the site on Wednesday, September 19, 2007 and performed four hand auger borings to measure the water table levels. Borings were performed to a depth of four feet. ATC did not encounter any ground or perched water in any of the bore holes. ATC returned to the site on Friday, September 21, 2007 and observed the holes to be dry.

ATC obtained soil samples from the top 12 inches at each bore location. Soils in the top 12 inches for borings 1, 2 and 4 were brown silty clay with a trace of sand. Soils in top 12 inches for boring 3 were light tan silty fine sand. No evidence of perched water in the form of low chroma soils was noted.

Based on our observations, neither seasonal nor perched water tables are present at the locations observed by ATC. If you have any questions concerning the information in this report, or if we can be of further assistance, please do not hesitate to contact us

Sincerely,

ATC ASSOCIATES, INC.

Benjamin V. Wilson, P.E.
Principal Engineer



Herbert L. Hales, II, EI
Project Manager

Attachment: Boring Location Drawing



: 200.95 AC.

IN A FLOOD HAZARD AREA AS DETERMINED
SEPTEMBER 28th, 1990.

ARE THE
CONVEYED TO ME
NEEDS OFFICE
AT I (ME) HEREBY
I MY (OUR) FREE
CERTIFY THAT THE
E SUBDIVISION
E COUNTY,

TRATOR

IN PLAT AS
FINAL
E COUNTY

E)

TR

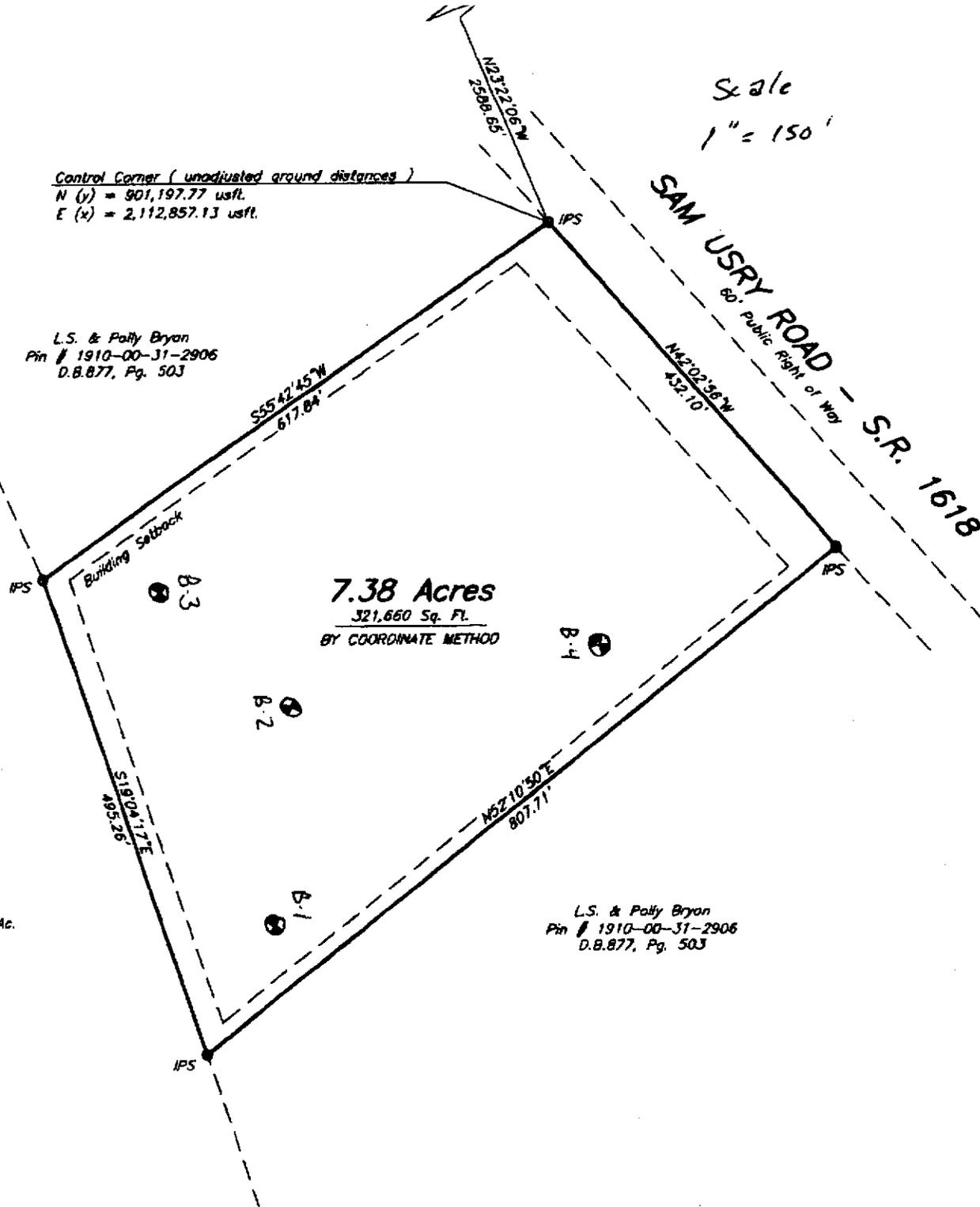
AS THE RECOMBINATION
TRVEY OR OTHER
ION.

Control Corner (unadjusted ground distances)
N (y) = 901,197.77 usft.
E (x) = 2,112,857.13 usft.

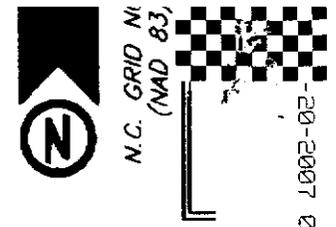
L.S. & Polly Bryan
Pin # 1910-00-31-2906
D.B.877, Pg. 503

Bryan Brothers Lc.
Pin # 1910-00-10-5891
D.B.943, Pg. 639
Remaining Acreage : 200.95 Ac.

L.S. & Polly Bryan
Pin # 1910-00-31-2906
D.B.877, Pg. 503



John Bryan - yard waste



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM
FLOOD INSURANCE RATE MAP**

**GRANVILLE COUNTY,
NORTH CAROLINA AND
INCORPORATED AREAS**

PANEL 150 OF 200

CONTAINS:

<u>COMMUNITY</u>	<u>NUMBER</u>	<u>PANEL</u>	<u>SUFFIX</u>
OXFORD, CITY OF	370108	0150	C
UNINCORPORATED AREAS	370325	0150	C

MAP NUMBER:

37077C0150 C

EFFECTIVE DATE:

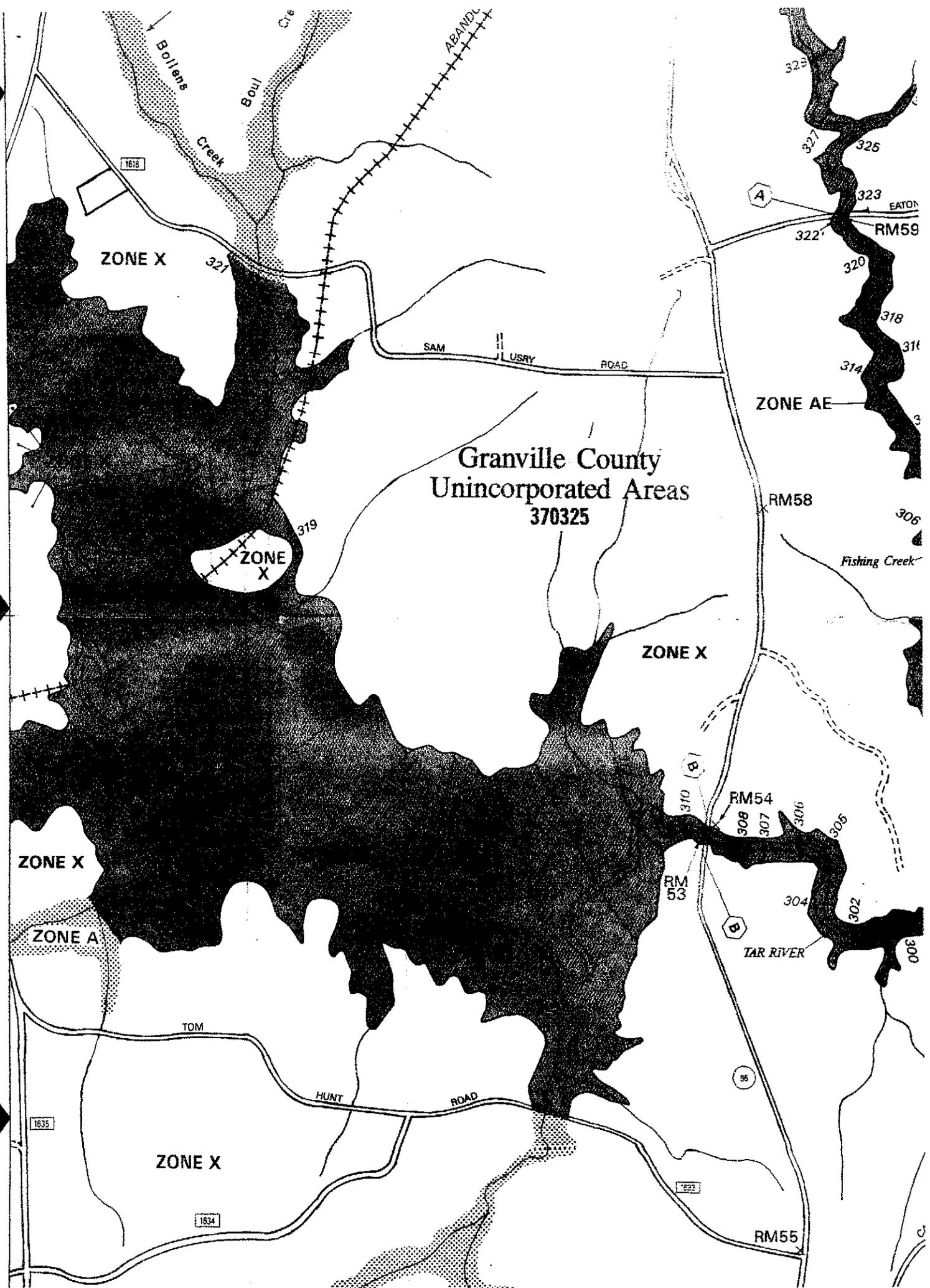
SEPTEMBER 28, 1990



Federal Emergency Management Agency

4

5



Granville County
Unincorporated Areas
370325

ZONE X

ZONE X

ZONE X

ZONE X

ZONE A

ZONE X

ZONE AE

RM59

RM58

RM54

RM53

RM55

1618

1635

1634

329

327

325

323

322

320

318

316

314

308

310

308

307

306

305

304

302

300

95

1633

TOM

HUNT

ROAD

SAM

LUSRY

ROAD

Fishing Creek

TAR RIVER

EATON

ABANDONED



GRANVILLE COUNTY



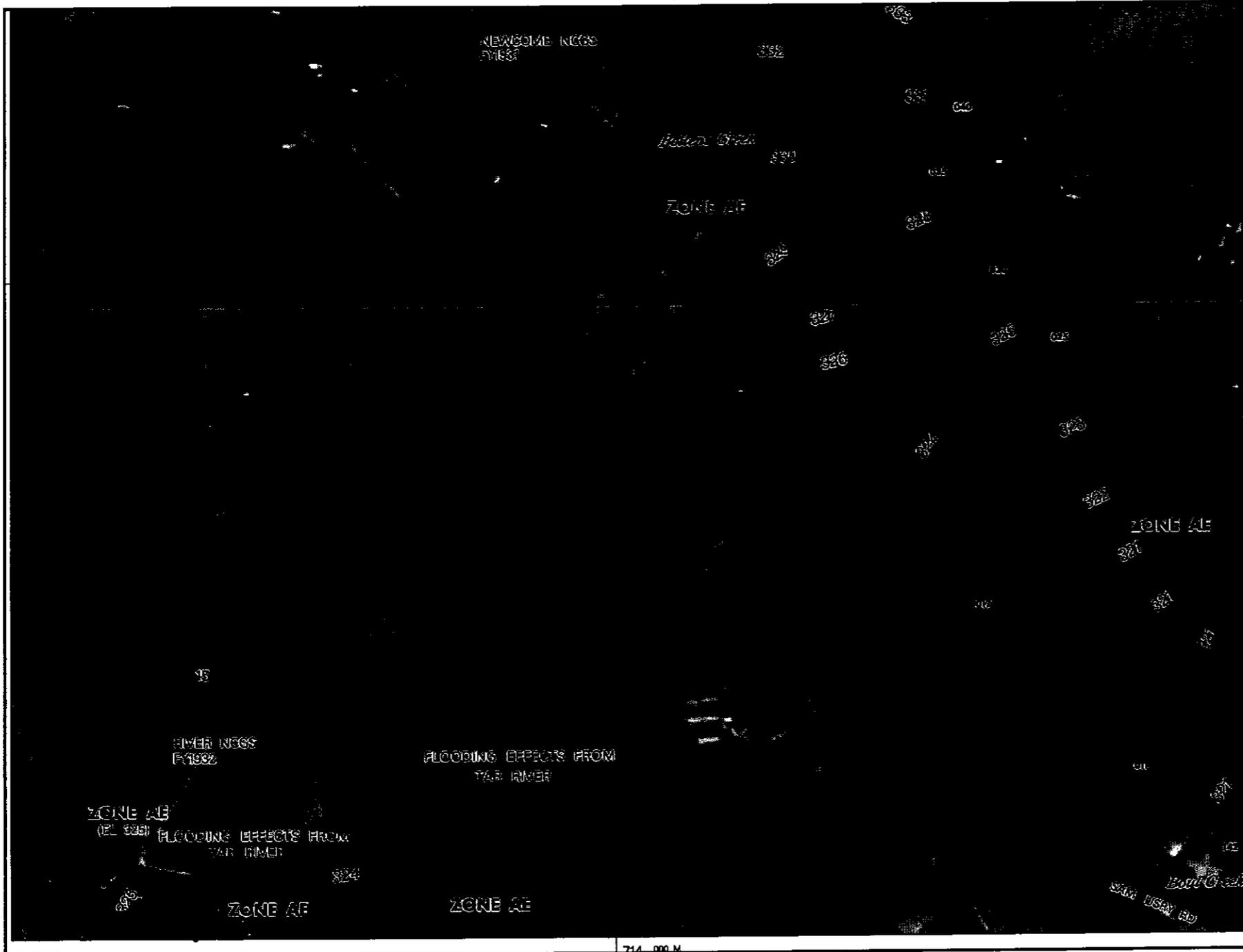
Disclaimer:
The data provided on this map are prepared for the inventory of real property found within Granville County, NC and are compiled from recorded plats, deeds, and other public records and data. This data is for informational purposes only and should not be substituted for a true title search, properly appraised, survey, or for zoning verification.

Parcel Number: 271
Map Number: 181900281583
Owner Name: BRYAN BROTHERS LLC
Owner Address: 4017 HWY 15
Owner City: OXFORD NC
Parcel Address: SAM USRY RD
Notes: 011656300
Deed Reference: 943/639
Deed Date: 11/01/03

Plat Reference:
Account: 4118
Deed Acres: 42.27
Calc Acres: 95.7758004834
Value: No Data
Sale: 0
Township: FISHING CREEK

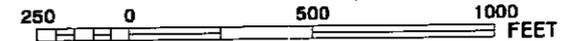


One Inch = 200 Feet



GRID NORTH

MAP SCALE 1" = 500' (1 : 6,000)



NATIONAL FLOOD INSURANCE PROGRAM

NFIP

PANEL 1910J

**FIRM
FLOOD INSURANCE RATE MAP
NORTH CAROLINA**

PANEL 1910
(SEE LOCATOR DIAGRAM OR MAP INDEX FOR FIRM
PANEL LAYOUT)

CONTAINS:

COMMUNITY	CD No.	PANEL	SUFFIX
GRANVILLE COUNTY	37025	1910	J

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

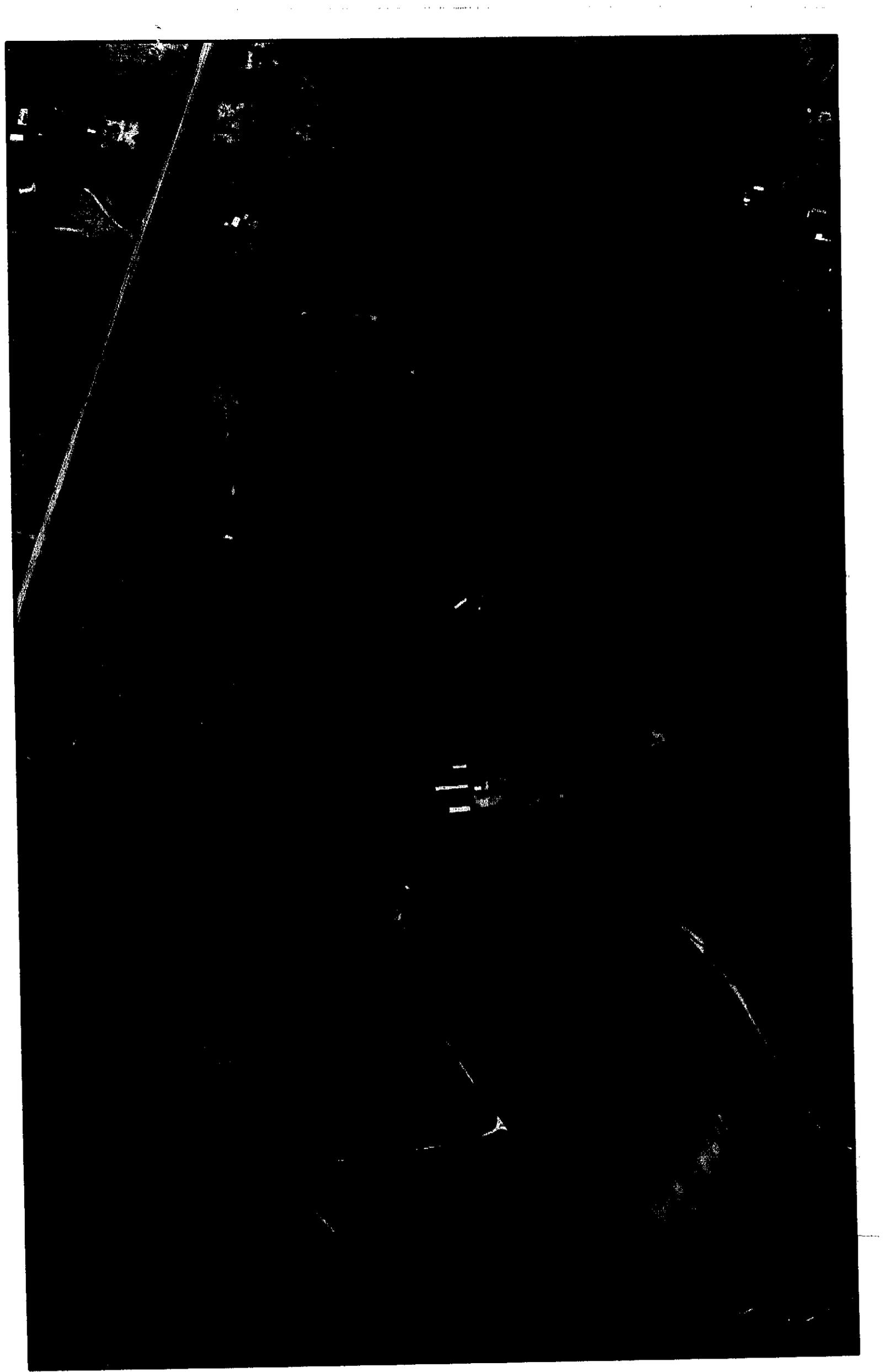
EFFECTIVE DATE
APRIL 16, 2007

MAP NUMBER
3720191000J



State of North Carolina
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

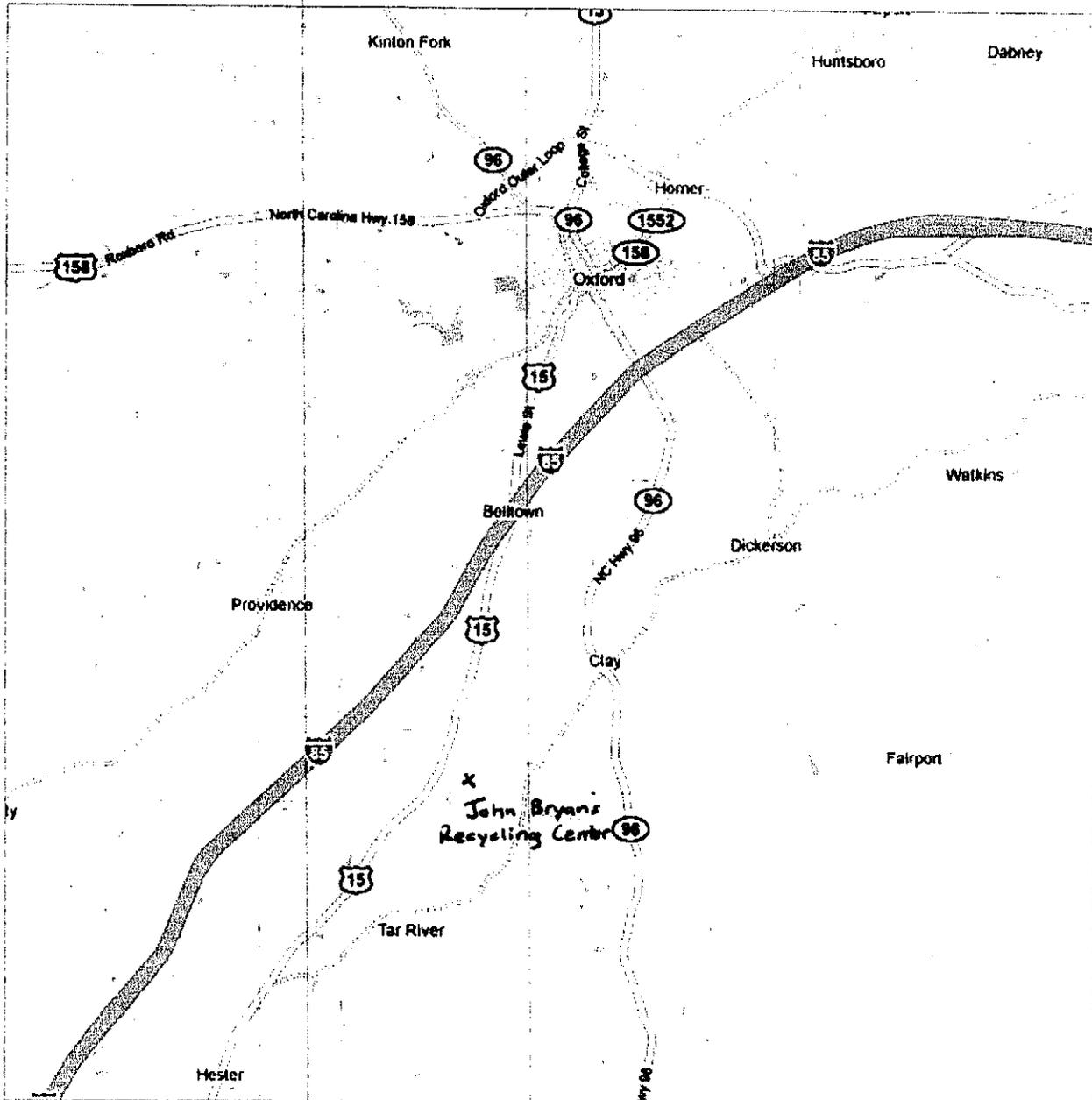


1" = 400'



VICINITY MAP

Get Google Maps on your phone
 Text the word "GMAPS" to 466453

NO OFFICE STAMP OR
VALUABLE CONSIDERATION

FILED
GRANVILLE COUNTY
01/17/2003 3:46 PM
KATHRYN CREWS AVERETT
Register Of Deeds



PREPARED BY AND RETURN TO: JOHN W. WATSON, JR., ATTORNEY AT LAW, PO BOX 100, OXFORD, NC 27565

PREPARED WITHOUT TITLE EXAMINATION

NORTH CAROLINA

GENERAL WARRANTY DEED

GRANVILLE COUNTY

* THIS DEED, made the ^{November} ~~1st~~ day of ~~September~~, 2002, by and between BENJAMIN L. BRYAN and Wife, CYNTHIA A. BRYAN; JOHN NILES BRYAN and Wife, TERESA S. BRYAN; ROBERT T. BRYAN, JR and Wife JODY S. BRYAN; DOROTHEA NILES BRYAN, Widow, hereinafter referred to as Grantors, and BRYAN BROTHERS, L.L.C., a North Carolina Limited Liability Company, of 4017 Highway 15 South, Oxford, North Carolina 27565, hereinafter referred to as Grantee;

WITNESSETH:

WHEREAS, Robert T. Bryan died on February 2, 2000. By his last Will and Testament, Robert T. Bryan devised certain real properties including the 210 acre, more or less, Bryan family farm described below; and

WHEREAS, by Renunciation filed May 30, 2001, Dorothea N. Bryan renounced the land devised to her and Robert T. Bryan, Jr., Benjamin L. Bryan and John Niles Bryan are the heirs at law of Robert T. Bryan under the North Carolina Intestate Succession Act; and

WHEREAS, Dorothea Niles Bryan executes this Deed solely for the purpose of conveying and quitclaiming such title as she may retain in the real property herein described.

NOW THEREFORE, the said Grantors, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby expressly acknowledged, do hereby give, grant, bargain, sell and convey unto the Grantee, its heirs and assigns, the following described tract or parcel of land situate in Fishing Creek Township, Granville County, North Carolina, and more particularly described as follows:

PARCEL 1

BEGINNING at a point in the center of U.S. Highway 15 said point being S. of the intersection of N.C. Road Number 1618 leading from U.S. Highway 15 to Highway 96 (Corinth Road) at the corner of the lands of the within described premises and the lands of Lynwood S. Bryan, Jr., and going thence

Submitted to Granville Deed Book for John Watson 1-17-2003

along the center of U.S. Highway 15 S. 23° 45' W. 376 feet and continuing along the center of said Highway S. 24° 30' W. 1100 feet; S. 27° W. 100 feet; S. 29° W. 100 feet; S. 31° 15' W. 100 feet; S. 33° 30' W. 100 feet; S. 35° W. 100 feet; S. 36° W. 100 feet; S. 36° 30' W. 815 feet to the center of the intersection of U.S. Highway 15 and Tar River and going thence along the meanders of Tar River S. 39° 30' E. 269 feet; S. 44° 30' E. 980 feet; S. 48° E. 165 feet; S. 43° E. 2130 feet to a point in the center of said river, corner of the lands of the within described property and the lands of Russell E. Daniel; and going thence along the center of the line of Russell E. Daniel N. 17° E. 1135 feet to a willow oak, the corner of the within described property and the property of Russell E. Daniel and Lynwood S. Bryan, Jr., N. 7° E. 432 feet to an iron pin; N. 0° 09' W. 512 feet; to an iron pin; thence N. 14° W. 98 feet to an iron pin; thence N. 30° 15' W. 256 feet to an iron pin; thence N. 24° 17' W. 300 feet to an iron pin; thence N. 14° W. 405 feet; to an iron pin; thence N. 57° 8' E. 809 feet to an iron pin in the center of N.C. Road Number 1618 leading from U. S. Highway 15 to Highway 96 (Corinth Road; going thence along the center of said road N. 33° 1' W. 429 feet; thence away from said road S. 60° 31' W. 649 feet past an iron pin in the road right of way to an iron pin; thence N. 19° 54' W. 1183 feet to an iron pin by a cedar tree; thence N. 45° W. 669 feet to an iron pin in the center of N.C. Highway 15, the place and point of beginning, containing 171.3 acres, more or less, according to map survey of Johnnie C. Currin, R.L.S., made November, 1964, and being a part of the old Charlie Bryan homeplace.

The above is a verbatim description taken from that certain Deed dated December 16, 1964 from Lynwood S. Bryan and wife, Sally T. Bryan to Robert T. Bryan of record in Deed Book 163, Page 175, Granville County Registry.

There is LESS AND EXCEPT from the above described parcel of land those certain parcels conveyed to Benjamin L. Bryan in Deed Book 239, Page 76 and Deed Book 591, Page 626, Granville County Registry.

PARCEL 2

BEGINNING at a point in the center of Tar River, corner of the lands of L. S. Bryan and A. E. Huff and going thence N. 17 E 755 feet to a stake, the same being a new corner of L. S. Bryan, A. E. Huff and the within described property; going thence along a new line S. 51 3/4 E. 647 feet to a stake; thence n. 58 1/4 E. 1016 feet to an elm tree; thence S. 37 1/2 E. 313 feet to an iron pin; thence S. 5 1/2 W. 556 feet to an iron pin by a pine; thence S. 15 E. 403 feet to a stake, a new corner in the line of W. M. Crews Estate, the within described property and A. E. Huff; thence along the line of W. M. Crews Estate S. 15 1/2 W. 1036 feet to Tar River; thence up Tar River as it meanders N. 30 W. 98 feet, N. 54 3/4 W. 67 feet; N. 71 W. 211 feet; N. 68 1/4 W. 154 feet; N. 50 1/2 W. 160 feet; N. 44 W. 212 feet; N. 29 1/2 W. 365 feet; N. 42 W. 142 feet; N. 43 1/4 W. 321 feet; N. 31 W. 193 feet; N. 57 W. 150 feet; and S. 53 1/2 W. 152 feet to the point of beginning, containing 49.6 acres, more or less, and being a part of Tract Number 5 in the C. W. Bryan Subdivision, and being a part of 185.6 acres of land transferred to A. E. Huff by Mrs. Ruth Roberson and transferred to Rufus Huff by A. E. Huff and wife by deed of record in Book 121, at page 319, in the office of the Register of Deeds of Granville County, and a part of the land transferred to A. E. Huff by Rufus Huff and wife of record in Book 138, at page 134, in the office of the Register of Deeds of Granville County, the above description being according to plat and survey by Johnnie C. Currin, R.L.S., dated March, 1959. For further description see that certain conveyance from A. E. Huff, separated, to Rufus Huff, dated April 6, 1959, which said conveyance is recorded in Deed Book 149, at page 311, Granville County Registry. For further reference see Deed Book 163, page 317, Granville County Registry.

The above is a verbatim description taken from the certain Deed dated February 28, 1973 from Robert T. Bryan, Jr. to Robert T. Bryan of record in Deed Book 198, Page 95, Granville County Registry.

There is LESS AND EXCEPT from the above described parcel of land those certain parcels conveyed to John N. Bryan in Deed Book 243, Page 829 and Deed Book 791, Page 100,

Granville County Registry.

For further reference see Estate File 00-E-285 in the Office of the Clerk of Court, Granville County.

TO HAVE AND TO HOLD the tracts of land above-described, and all privileges and appurtenances thereunto belonging to the Grantee, its heirs and assigns, in fee simple forever.

And the said Grantors hereby covenant and agree to and with the Grantee that they are seized of said land and premises in fee and have full right to convey the same in fee simple; that the said land is free and clear from any and all encumbrances and that they will forever warrant and defend the title to the same against the lawful claims and demands of any and all persons whomsoever.

IN TESTIMONY WHEREOF, the Grantors have hereunto set their hands and seals, this the day and year first above written.

Dorothea Niles Bryan (SEAL)
Dorothea Niles Bryan, Widow

Robert T. Bryan, Jr. (SEAL)
Robert T. Bryan, Jr.

Jody S. Bryan (SEAL)
Jody S. Bryan

John Niles Bryan (SEAL)
John Niles Bryan

Teresa S. Bryan (SEAL)
Teresa S. Bryan

Benjamin L. Bryan (SEAL)
Benjamin L. Bryan

Cynthia A. Bryan (SEAL)
Cynthia A. Bryan

STATE OF NORTH CAROLINA, COUNTY OF GRANVILLE:

I, a Notary Public of the State aforesaid and Granville County, do hereby certify that DOROTHEA NILES BRYAN, Widow, personally appeared before me this day and acknowledged her due execution of the foregoing instrument.

Witness my hand and Notary Seal, this 29th day of November, 2002.



John W. Watson, Jr.
Notary Public

My commission expires 11/25/05