Permit No.	Date	DIN
56-02	**August 7, 2013**	**19455**

RECEIVED
August 7, 2013
Solid Waste Section
Asheville Regional Office

2013003937
MCDOWELL CO, NC FEE $26.00
PRESENTED & RECORDED
08-06-2013 04:37:34 PM
TONIA R HAMPTON
REGISTER OF DEEDS
BY: KAREN BURRELL
DEPUTY REGISTER OF DEEDS
BK: CRP 1108
PG: 154-168

Return to Ashley Wooten

NOTE: THE SPACE ABOVE IS FOR THE REGISTER OF DEEDS USE

This page is provided for recordation purposes. The **entire document**, including this page, should be recorded at the Register of Deeds and indexed as follows:

Grantor/Landowner: McDOWELL COUNTY

Grantee/Holder of Permit: NC DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Document Type: PERMIT

The property is identified by the deeds recorded as listed below:

McDowell County, N.C. Register of Deeds				
Book	Page	Acreage	Landowner	PIN
546	44	150.4±	McDowell County	1720-27-6242
		150.4±	Total Facility Acreage	

Notes:

1. Deed book references are from the McDowell County GIS website (http://www.mcdowellcountygis.com/mapguide/mcdowellgis/) accessed May 2013.

THE PURPOSE OF THIS RECORDATION IS TO NOTIFY FUTURE BUYERS OF SAID PROPERTY THAT A SOLID WASTE MANAGEMENT FACILITY HAS OPERATED ON THE PROPERTY.

I do hereby certify that the attached PERMIT is an exact and true original of PERMIT NUMBER 5602 for the McDowell County Solid Waste Management Facility.

Allen Gaither
Environmental Engineer
Permitting Branch
Solid Waste Section
Division of Waste Management

North Carolina

Buncombe County

I, Linda J. Stamey, Notary Public for Buncombe County,

North Carolina, do hereby certify that Allen Gaither, Environmental Engineer of the Permitting Branch, Solid Waste Section, Division of Waste Management, NCDENR, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal,

This the 26th day of June, 20 13.

OFFICIAL SEAL
Linda J. Stamey
Linda J. Stamey
NOTARY PUBLIC

LINDA J STAMEY
NOTARY PUBLIC
BUNCOMBE COUNTY, NC

My commission expires January 6, 20 15.

Note to Register of Deeds: This certified original permit shall be recorded by the Register of Deeds and indexed in the grantor index under the name of the land owner. The certified original affixed with the Register's seal and the date, book, and page number of recording shall be returned to the Mr. Allen Gaither, Division of Waste Management, Solid Waste Section, 2090 US Highway 70, Swannanoa, NC 28778.

NCDENR

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

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

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

SOLID WASTE MANAGEMENT FACILITY
Permit No. 5602

McDOWELL COUNTY
is hereby issued a

PERMIT TO CONSTRUCT
NOT APPLICABLE

PERMIT TO OPERATE
5602T-TRANSFER-1995 McDOWELL TRANSFER FACILITY

PERMIT FOR CLOSURE
5601-MSWLF-1980 McDOWELL COUNTY LANDFILL

Located at *3809 Highway 226 South*, in Marion, McDowell County, North Carolina, 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. The legal description of the site is identified on the deeds recorded for this property listed in Attachment 1, Part I of this permit.

Digitally signed by Edward F. Mussler III, P.E.
DN: cn=Edward F. Mussler III, P.E., o=Solid Waste Section, ou=NC DWM, email=ed.mussler@ncdenr.gov, c=US
Date: 2013.06.25 09:49:46 -04'00'

Edward F. Mussler, III, P.E.,
Permitting Branch Supervisor
Solid Waste Section

ATTACHMENT 1
GENERAL PERMIT CONDITIONS/INFORMATION

PART I: GENERAL FACILITY

1. This permit is issued by the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section (Section). In accordance with North Carolina Solid Waste Management Rule 15A NCAC 13B .0201(d), a solid waste management facility permit shall have two parts: a Permit to Construct and a Permit to Operate. The Permit to Construct must be implemented in accordance with Attachment 2 of this permit. The Permit to Operate must be implemented in accordance with Attachment 3 of this permit.

2. The persons to whom this permit is issued ("permittee") are the owners and operators of the solid waste management facility.

3. This permit shall not be effective until the certified copy of this permit which references legal descriptions for all land within the solid waste management facility boundary is recorded in the Register of Deeds office and indexed in the grantor index under the name of the owner of the land in the county or counties in which the land is located. The certified copy of the permit affixed with the Register's seal and the date, book, and page number of recording must be returned to the Solid Waste Section within thirty (30) calendar days of issuance of this permit. If the Solid Waste Section does not receive the certified copy of the recorded permit within 30 calendar days of issuance of the permit, then and in that event, the permit is suspended and of no effect until the date the Solid Waste Section receives the certified copy of the recorded permit.

4. When this property is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument, a statement that the property has been used as a sanitary landfill and a reference by book and page to the recordation of the permit.

5. By receiving waste at this facility the permittee shall be considered to have accepted the terms and conditions of this permit.

6. Operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of the Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit; and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition. Failure to comply may result in compliance action or permit revocation.

7. This permit is issued based on the documents submitted in support of the application for permitting the facility including those identified in the "List of Documents for the Approved Plan" which constitute the approved plan for the facility. Where discrepancies exist, the most recent submittals and the Conditions of Permit shall govern.

8. This permit may be transferred only with the approval of the Section, through the issuance of a new or substantially amended permit in accordance with applicable statutes and rules. In accordance with NCGS 130A-295.2(g) the permittee shall notify the Section thirty (30) days prior to any significant change in the identity or business structure of either the owner or the operator, including but not limited to a proposed transfer of ownership of the facility or a change in the parent company of the owner or operator of the facility.

9. The permittee is responsible for obtaining all permits and approvals necessary for the development of this project including approval from appropriate agencies for a General or Individual NPDES Stormwater Discharge Permit. Issuance of this permit does not remove the permittee's responsibilities for compliance with any other local, state or federal rule, regulation or statute.

Properties Approved for the Solid Waste Facility

McDowell County, N.C. Register of Deeds				
Book	Page	Acreage	Landowner	PIN
546	44	150.4±	McDowell County	1720-27-6242
		150.4±	Total Facility Acreage	

Notes:

1. Deed book references are from the McDowell County GIS website (http://www.mcdowellcountygis.com/mapguide/mcdowellgis/) accessed May 2013.

PART II: MUNICIPAL SOLID WASTE LANDFILL UNIT(S)

Permitting History

1. On September 22, 1980 a Permit was issued for the operation of a sanitary landfill.
2. On December 13, 1995 a Closure Letter was issued acknowledging closure of the disposal units and providing post-closure conditions for the sanitary landfill.
3. On January 16, 2009 an Approval Letter was issued allowing for the construction and operation of a law enforcement firing range within the facility boundary.

No.	Permit Type	Date Issued	Document ID No.
1.	Original Permit	September 22, 1980	
2.	Closure Letter	December 13, 1995	
3.	Approval Letter	January 16, 2009	6573

List of Documents for the Approved Plan

DOCUMENT ID NO.	DOCUMENT DESCRIPTION
6353	*Letter: Request to construct a Qualifying Firing Range with attached Operations Plan.* Prepared by: Mr. Mike Gladden. Prepared for: McDowell County. November 24, 2008.
6573	*Approval Letter-Post-closure Use of Landfill.* Prepared by: Allen Gaither. Prepared for: Solid Waste Section. January 16, 2009.
19102	*Closure of the McDowell County Landfill.* Prepared by: Jim Coffey. Prepared for: Solid Waste Section. December 13, 1995.

PART III: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL UNIT(S)

Not Applicable

PART IV: INDUSTRIAL LANDFILL UNIT(S)

Not Applicable

PART V: LAND CLEARING AND INERT DEBRIS LANDFILL UNIT(S)

Not Applicable

PART VI: TRANSFER STATION/TREATMENT & PROCESSING UNIT(S)

Permitting History

4. On May 3, 1995 a Permit was issued for the construction and operation of a new transfer facility.
5. On January 4, 2007 an amendment was made to the Permit for the five-year renewal of transfer facility operations.
6. On April 6, 2009 a modification was made to the Permit for a change in the disposal facility.
7. On June 25, 2013 an amendment was made to the Permit for the five-year renewal of transfer facility operations.

No.	Permit Type	Date Issued	Document ID No.
1.	Original Permit	May 3, 1995	
2.	Permit Amendment	January 4, 2007	
3.	Permit Modification	April 6, 2009	7179
4.	**Permit Amendment**	**June 25, 2013**	**19030**

List of Documents for the Approved Plan

The descriptions of previous/historical documents are found in the Permit to Operate issued April 6, 2009, DIN 7179.

DOCUMENT ID NO.	DOCUMENT DESCRIPTION
7167	*Permit Modification for Yadkin County Transfer Station #99-03T; McDowell County Transfer Station #56-02T; and Rocky Mount Transfer Station #6405T. March 2009.* Prepared by: Republic Services of NC, LLC. Prepared for: McDowell County. March 30, 2009.
18143	*Operations Plan, McDowell County Transfer Station, Permit number 56-02T.* Prepared by: Joyce Engineering, Inc. Prepared for: McDowell County. December 8, 2006. Revised January 2013.
19029	*Appendix E, Addendum to McDowell County Operations Plan.* Prepared by: McDowell County. Prepared for: McDowell County. Revised May 2013.

PART VII: MISCELLANEOUS SOLID WASTE MANAGEMENT

Not Applicable

- End of Section -

ATTACHMENT 2
CONDITIONS OF PERMIT TO CONSTRUCT

PART I: GENERAL FACILITY

Not Applicable

PART II: MUNICIPAL SOLID WASTE LANDFILL UNIT(S)

Not Applicable

PART III: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL UNIT(S)

Not Applicable

PART IV: INDUSTRIAL LANDFILL UNIT(S)

Not Applicable

PART V: LAND CLEARING AND INERT DEBRIS LANDFILL UNIT(S)

Not Applicable

PART VI: TRANSFER STATION/TREATMENT & PROCESSING UNIT(S)

Not Applicable

PART VII: MISCELLANEOUS SOLID WASTE MANAGEMENT

Not Applicable

- End of Section-

ATTACHMENT 3
CONDITIONS OF PERMIT TO OPERATE

PART I: GENERAL FACILITY

Not Applicable

PART II: MUNICIPAL SOLID WASTE LANDFILL UNIT(S)

Not Applicable

PART III: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL UNIT(S)

Not Applicable

PART IV: INDUSTRIAL LANDFILL UNIT(S)

Not Applicable

PART V: LAND CLEARING AND INERT DEBRIS LANDFILL UNIT(S)

Not Applicable

PART VI - TRANSFER STATION/TREATMENT & PROCESSING UNIT(S)

1. The Permit to Operate shall expire **June 25, 2018**. Pursuant to 15A NCAC 13B .0201(e), no later than **December 25, 2017**, the owner or operator must submit a request to the Section for permit review and must update pertinent facility plans including, but not limited to, the facility operation and waste screening plans.
2. The facility is permitted to receive solid waste as defined in NCGS 130A -290 (35).
3. The following, at a minimum, must not be accepted for disposal at the facility; hazardous waste, liquid wastes, regulated medical waste, sharps not properly packaged, regulated-asbestos containing material as defined in 40 CFR 61, PCB waste as defined in 40 CFR 761, and wastes banned from disposal in North Carolina by G.S. 130A-309.10(f).
4. This facility is permitted to receive municipal solid waste generated within McDowell County. Waste must be transported for disposal to any lined MSW landfill facility owned by Republic Services Inc., permitted to receive waste from the service area listed above. Proposed modifications of the service area and/or the disposal facility constitute a permit modification and are subject to a permitting fee and must be approved by the Section.
5. The permittee must not knowingly dispose of, or accept for transfer for subsequent disposal, municipal solid waste that is generated within the boundaries of a unit of local government that by ordinance:
    a. Prohibits generators or collectors of municipal solid waste from disposing of that type or form of municipal solid waste.

b. Requires generators or collectors of municipal solid waste to recycle that type or form of municipal solid waste.

6. A responsible individual trained and certified in facility operations must be on-site at all times during all operating hours of the facility, in accordance with G.S. 130A-309.25.

7. The permittee must develop, and use, a training and screening program at the facility for detecting and preventing unauthorized wastes from being accepted at the facility. At a minimum, the program must include:

   a. Random inspections of incoming loads or other comparable procedures.

   b. Records of all inspections.

   c. Training of personnel to recognize hazardous, liquid and other excluded waste types.

8. The facility must not cause nuisance conditions.

   a. The tipping floor and transfer trailer loading area must be maintained in a clean, sanitary condition at all times and must be cleaned at least daily in accordance with the approved Operational Plan.

   b. Waste must only be deposited on a "tipping floor" or directly into a transfer container. Waste must not be stored on the "tipping floor" after operating hours.

   c. Waste may be stored on-site, in leak proof transfer trailers, with watertight covers, a maximum of 24 hours except that a minimal amount of waste may be stored for a maximum of 72 hours when the facility is closed during a weekend or holiday. Storage of the waste must not cause any nuisance, such as odor or attraction of vectors.

   d. Effective vector control measures must be applied at all times to control any potential vectors including flies, rodents, insects, and other vermin.

   e. Control measures must be utilized to minimize and eliminate visible dust emissions and blowing litter.

      i) Fugitive dust emissions are prohibited.

      ii) Windblown materials must be collected by the end of the day and no windblown material may be allowed to leave the facility boundary.

9. All water that comes in contact with solid waste, including vehicle wash-down water, is leachate and must be captured and properly treated before release to the environment.

   a. The leachate control system, such as floor drains, leachate collection devices, sanitary sewer connections and leachate storage tanks, must be operational during facility operations.

b. The tipping floor must drain away from the building entrance and into the leachate collection system.

10. All sedimentation and erosion control activities must be conducted in accordance with the Sedimentation Control Act N.C.G.S. 113A-50, et seq., and rules promulgated under 15A NCAC 4.

11. Copies of this permit, the approved plans and all records required to be maintained by the permittee must be maintained at the facility, unless otherwise approved by the Section, and made available to the Section upon request during normal business hours.

12. The permittee must maintain a record of the amount of solid waste received at the facility, including daily records of waste received and origins of the loads. Scales must be used to weigh the amount of waste received. The daily records are to be summarized into a monthly report for use in the required annual reports.

13. On or before August 1 annually, the Permittee must submit an annual facility report to the Solid Waste Section, on forms prescribed by the Section.

    a. The reporting period shall be for the previous year beginning July 1 and ending June 30.

    b. The annual facility report must list the amount of waste received in tons and be compiled:

        i) On a monthly basis.

        ii) By county, city or transfer station of origin.

        iii) By specific waste type.

        iv) By receiving disposal facility.

        v) By diversion to alternative management facilities.

    c. The completed report must be forwarded to the Regional Environmental Specialist for the facility by the date due on the prescribed annual facility report form.

    d. A copy of the completed report must be forwarded to each county manager for each county from which waste was received the facility. Documentation that a copy of the report has been forwarded to the county managers must be sent to the Regional Environmental Specialist by the date due on the prescribed annual facility report form.

PART VII- MISCELLANEOUS SOLID WASTE MANAGEMENT

General Conditions

14. Wastes received and product stored shall be maintained in reasonably sized piles with adequate fire breaks and lanes in accordance with the approved operational plans and the pertinent rules.

15. Surface water shall be diverted from all operational and storage areas to prevent standing water in operational areas and under or around storage piles. Water that comes in contact with solid waste shall be contained on-site or properly treated prior to discharge.

16. These areas 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.

17. These areas shall be operated and maintained in a manner so as to minimize odors, prevent the creation of a nuisance, potential health hazard, or a potential fire hazard.

18. Effective vector control measures shall be applied as necessary to control flies, rodents, insects, or vermin.

19. The facility must manage all operations according to all applicable statutes and rules of the State of North Carolina.

Operational Conditions – White Goods

20. The facility is permitted to receive white goods as defined in North Carolina General Statute Article 9, Chapter 130A-290(44).

21. The facility must manage white goods according to the Operation Plan included in Attachment I, Part VI, "List of Documents for the Approved Plan". This document is included in the approved plan. Any revisions to the approved plan shall be approved by the North Carolina Division of Waste Management (DWM), Solid Waste Section, prior to implementation.

22. White goods collection areas shall provide for the proper removal of chlorofluorocarbon refrigerants.

Operational Conditions – Scrap Tires

23. The facility is permitted to receive tires and scrap tires as defined in North Carolina General Statute Article 9, Chapter 130A-309.53(6) & (7).

24. Scrap tire collection areas shall be operated in accordance with the requirements of 15A NCAC 13B, Rule .1107.

25. The facility must manage tires according to the Operation Plan included in Attachment I, Part VI, "List of Documents for the Approved Plan". This document is included in the approved plan. Any revisions to the approved plan shall be approved by the North

Carolina Division of Waste Management (DWM), Solid Waste Section, prior to implementation.

Operational Conditions – Yard Waste

26. The facility is permitted to receive yard waste as defined in North Carolina General Statutes Article 9, Chapter 130A-290 (45).

27. Yard waste collection areas shall be operated in accordance with the requirements of 15A NCAC 13B, Rule .1402(f)(6).

28. The facility must manage yard waste according to the Operation Plan included in Attachment I, Part VI "List of Documents for the Approved Plan". This document is included in the approved plan. Any revisions to the approved plan shall be approved by the North Carolina Division

Operational Conditions – Small Type 1 Compost Facility

29. This facility is permitted to operate a small Type 1 compost facility as defined in 15A NCAC 13B, Rule .1402(f)(1).

30. The facility is only permitted to receive yard and garden waste, silviculture waste, land clearing waste, untreated and unpainted wood waste or any combination thereof.

31. The compost facility shall be operated in accordance with the requirements of 15A NCAC 13B, Rule .1400.

32. The facility must the compost facility according to the Operation Plan included in Attachment I, Part VI, "List of Documents for the Approved Plan". This document is included in the approved plan. Any revisions to the approved plan shall be approved by the North Carolina Division of Waste Management (DWM), Solid Waste Section, prior to implementation.

- End of Section-

ATTACHMENT 4
CONDITIONS OF PERMIT FOR CLOSURE

PART I: GENERAL FACILITY

Not Applicable

PART II: MUNICIPAL SOLID WASTE LANDFILL UNIT(S)

1. The MSW landfill units have been constructed and closed according the approved plan. Post-closure maintenance and monitoring of the landfill unit must be conducted in accordance with the approved plans and the N.C. Solid Waste Management Rules.
2. The permittee must maintain the integrity and effectiveness of the cap system, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and prevent surface water from impounding over waste and run-on and run-off from eroding or otherwise damaging the cap system. In addition, a vegetative cover of native grasses must be maintained and mowed regularly.
3. Post-closure use of the property is subject to review and approval by the Division and must not disturb the integrity of the cap system, or the function of the monitoring systems. The Division may approve any other disturbance if the owner or operator demonstrates that disturbance of the cap system, including any removal of waste, will not increase the potential threat to human health or the environment.
4. The permittee must maintain a record of all monitoring events and analytical data. Reports of the sampling events and analytical data must be submitted to the Section in a timely manner.
5. Any proposed expansion to the closed landfill units will be considered a new landfill for purposes of Solid Waste Management permitting.

PART III: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL UNIT(S)

Not Applicable

PART IV: INDUSTRIAL LANDFILL UNIT(S)

Not Applicable

PART V: LAND CLEARING AND INERT DEBRIS LANDFILL UNIT(S)

Not Applicable

PART VI: TRANSFER STATION/TREATMENT & PROCESSING UNIT(S)

Not Applicable

PART VII: MISCELLANEOUS SOLID WASTE MANAGEMENT

Not Applicable

- End of Permit Conditions -