

8

Mecklenburg Co.

60132001



MECKLENBURG COUNTY  
Department of Environmental Protection

November 7, 2001

Mr. Larry Griffin  
North Mecklenburg Landfill, Inc.  
15300 Holbrooks Road  
Huntersville, North Carolina 28078

RE: North Mecklenburg Landfill, Inc. Expansion Inspection  
Solid Waste Permit # 60-13  
Condition 11. Prerequisite Requirements

Dear Mr. Griffin:

The Mecklenburg County Department of Environmental Protection inspected the 4.4 acre subcell of your construction and demolition landfill expansion located at 15300 Holbrooks Road in Mecklenburg County prior to your facility receiving waste in the expansion cell. Condition 11. of the permit to operate issued on October 26, 2001 by the North Carolina Department of Environment and Natural Resources Division of Waste Management outlines specific requirements that shall be met prior to receiving waste at the facility.

The inspection conducted by on October 29, 2001 in compliance with condition 11.(c).of the solid waste operating permit revealed that the 4.4 acre subcell had been constructed in accordance with the approved construction plans included in the permit to construct issued on October 19 by the North Carolina Department of Environment and Natural Resources Division of Waste Management. A review of documents included in the application for the permit to operate and this site inspection revealed that North Mecklenburg has met the requirements outlined in condition 11 of the solid waste permit.



PEOPLE • PRIDE • PROGRESS

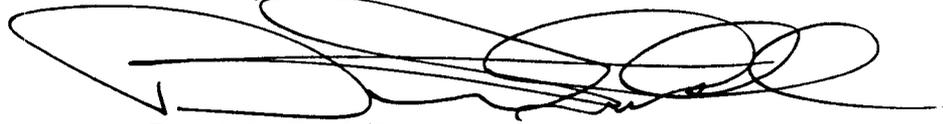
700 N. Tryon Street • Suite 205 • Charlotte, NC 28202-2236 • (704) 336-5500 • Fax (704) 336-4391

Mr. Larry Griffin  
North Mecklenburg Landfill, Inc.  
November 7, 2001

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If you have any questions or if I may be of assistance, please contact me at 336-5500.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis F. Tyndall", written over a horizontal line.

Dennis F. Tyndall  
Hydrogeologist  
Groundwater Section

cc:

Roger Barnes, North Mecklenburg Landfill  
Ron Gilkerson, North Mecklenburg Landfill  
Jim Coffee, Division of Waste Management  
Tim Jewitt, Division of Waste Management ✓  
Brent Rockett, Division of Waste Management  
Rick Doby, Division of Waste Management  
Raleigh Central Files: North Mecklenburg Landfill, Inc. (C&D), Mecklenburg County  
Permit 60-13

Enclosures

-Booklet-

Re: North Mecklenburg, Inc. - Permit to  
Operate a 4.4 Acre Subcell

Oct. 26, 2001

North Carolina  
Department of Environment and Natural Resources



Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Interim Director

October 26, 2001

Mr. Larry A. Griffin, Sr.  
North Mecklenburg Landfill, Inc.  
15300 Holbrooks Road  
Huntersville, NC 28078

**Re:** North Mecklenburg Landfill, Inc. Expansion - Permit to Operate a 4.4 Acre subcell  
Solid Waste Permit No. 60-13

Dear Mr. Griffin:

The Solid Waste Section has received the "as-built" record subgrade drawings for 4.4 acres of the 14.9 acre Construction and Demolition Debris Landfill Expansion. Enclosed is a solid waste Permit to Operate and the accompanying conditions for the subject facility, issued in accordance with N.C.G.S. 130A-294 and the NC Solid Waste Management Rules. This permit is for a five year period and is subject to review on or before 26 October 2006. Please be sure to submit initial background sampling results (surface and groundwater from the Water Quality Monitoring Plan) to the attention of Larry Rose in the Raleigh Central Office (1646 Mail Service Center, Raleigh, NC 27699-1646) in addition to abandonment records for piezometers used for site characterization.

Please review the conditions of permit carefully. In particular notice changes to condition #3 and #8. If you have any questions or comments about the enclosed permit, please feel free to contact me at (336) 771-4608 ext. 204 or the Solid Waste Specialist for your area, Rick Doby, at (704) 663-1699.

Sincerely,

  
Timothy A. Jewett  
Western Area Engineer  
Solid Waste Section

cc: Jim Coffey, SWS  
Brent Rockett, SWS  
Rick Doby, SWS  
Ron Gilkerson, North Mecklenburg Landfill, Inc.  
Raleigh Central Files: North Mecklenburg Landfill, Inc. (C&D), Mecklenburg County,  
Permit No. 60-13

H:\WESTERN\RC&D\60-13C&D.PTO

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone: 919-733-0692 \ FAX: 919-733-4810 \ Internet: [www.enr.state.nc.us/](http://www.enr.state.nc.us/)

AN EQUAL OPPORTUNITY \ AFFIRMATIVE ACTION EMPLOYER - 50% RECYCLED / 10% POST CONSUMER PAPER

North Carolina  
Department of Environment and Natural Resources



Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Interim Director

PERMIT NO. 60-13  
PTO ISSUED (Phase I) 24 JUNE 1993  
AMENDMENT 1 (Phase II): 7 MARCH 1995  
AMENDMENT 2 (PTC Expansion): 19 OCTOBER 2001  
AMENDMENT 3 (PTO 4.4 Acres): 26 OCTOBER 2001

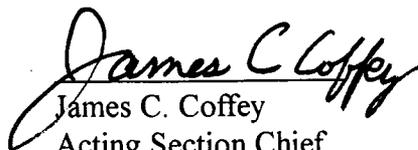
## SOLID WASTE PERMIT

NORTH MECKLENBURG LANDFILL, INC. (Operator)  
GRIFFIN-PARKER ENTERPRISES, GRIFFIN BROS. INC., NORTH MECKLENBURG  
LANDFILL, INC., AND LARRY GRIFFIN, SR. (Land Owners)

are hereby issued a permit to OPERATE a 4.4 Acre portion of the 14.9 Acre Expansion

Construction and Demolition Landfill Cell

located at 15300 Holbrook Road, southeast of the Town of Huntersville, in Mecklenburg 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 facility is located and described by the property deed included in the siting requirements and construction plan application referenced in Attachment 1.

  
James C. Coffey  
Acting Section Chief  
Solid Waste Section

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone: 919-733-0692 \ FAX: 919-733-4810 \ Internet: [www.enr.state.nc.us/](http://www.enr.state.nc.us/)

AN EQUAL OPPORTUNITY \ AFFIRMATIVE ACTION EMPLOYER - 50% RECYCLED / 10% POST CONSUMER PAPER

PERMIT NO. 60-13  
PTO ISSUED (Phase I) 24 JUNE 1993  
AMENDMENT 1 (Phase II): 7 MARCH 1995  
AMENDMENT 2 (PTC Expansion): 19 OCTOBER 2001  
AMENDMENT 3 (PTO 4.4 Acres): 26 OCTOBER 2001

**NORTH MECKLENBURG LANDFILL, INC.**

**SOLID WASTE PERMIT  
CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL UNIT**

**CONDITIONS OF PERMIT:**

**GENERAL:**

1. This permit shall not be effective unless the certified copy is filed 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 shall be returned to the Division of Waste Management (the Division).
2. When this property is sold, leased, transferred or conveyed, 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.
3. The permit is for a five year period and is subject to review on or before 26 October 2006, as per 15A NCAC 13B .0201(c) or sooner, according to the issuance date of this permit to operate. Modifications to the facility may be required in accordance with the rules in effect at the time of review. This facility may receive solid waste that is generated within a service area consisting of Mecklenburg County and the contiguous counties of Iredell, Cabarrus, Union, Gaston, and Lincoln.
4. The approved plan for this facility is described in Attachment 1, "List of Documents for Approved Plan". Where discrepancies exist, the most recent submittal and these Conditions shall govern. Some components of the approved plan are reiterated in these Conditions.
5. This permit is not transferable.
6. A copy of this permit, the approved plans, and all pertinent records shall be maintained on-site at the facility and made available to the Solid Waste Section (SWS) upon request.
7. The owner/operator is responsible for obtaining any and 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.

CONDITIONS OF PERMIT NO. 60-13  
PTO ISSUED (Phase I) 24 JUNE 1993  
AMENDMENT 1 (Phase II): 7 MARCH 1995  
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**Construction and Operation:**

8. This permit is for the development of the North Mecklenburg Landfill, Inc. 14.9 acre expansion within the approved facility description, in accordance with the approved plans prepared by Patterson Brewer & Associates (revisions dated 12 October 2001) and Enviro-Pro, P.C (dated 27 August 2001). Operation is approved for the 4.4 acre portion certified by Patterson Brewer & Associates on 25 October 2001.
9. This solid waste management facility is permitted to receive the following waste types:
  - a. Land-clearing debris as defined in G.S. 130A-290, specifically, solid waste that is generated solely from land-clearing activities, such as stumps, trees, etc.;
  - b. Inert debris defined as solid waste which consists solely of material that is virtually inert, such as brick, concrete, rock and uncontaminated soil;
  - c. Asphalt in accordance with G.S. 130A-294(m);
  - d. Construction and demolition debris defined as solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures;

Note: Yard trash defined as solid waste consisting solely of vegetative matter resulting from landscaping maintenance (see G.S. 130A-290) is banned from disposal in this facility as per NC General Statutes.
10. All sedimentation and erosion control measures will be conducted in accordance with the Sedimentation Control Act codified at 15 NCAC 4. Native vegetation shall be established on the completed landfill.
11. The following requirements shall be met prior to operation of this facility:
  - a. North Mecklenburg Landfill, Inc. or its consultant shall provide documentation to the Division that the site preparation (grading, placement of fill if applicable, maintaining 4 feet separation between waste and groundwater, etc.) has occurred in accordance with the construction plan and the conditions specified herein.
  - b. The owner's geologist shall examine the cell excavation and note any pertinent geological features exposed during the construction process and shall notify the Solid Waste Section Hydrogeologist of these findings.
  - c. Site inspection shall be made by a representative of the Division.

- d. Signs shall be posted at the facility in accordance with the Access and Safety Requirements under Operation Condition No. 12 listed below.
  - e. Surface water monitoring locations shall be established and groundwater monitoring wells (see Monitoring and Reporting Requirements) shall be installed. A baseline sampling event for background water quality shall be performed. Well construction records, boring logs, and evidence that a baseline sampling has been conducted shall be submitted to the Section Hydrogeologist for review and approval prior to operation (see Monitoring and Reporting Conditions below).
  - f. Recordation procedures for the permit shall be implemented as described above in General Conditions Numbers 1 and 2.
  - g. A comprehensive Operations Plan shall be submitted to the Division in accordance with 15A NCAC 13B .0505.
12. Operation of the facility shall occur in accordance with the NC Solid Waste Management Rules 15A NCAC 13B .0505, "Operational Requirements for Sanitary Landfills", the approved Operations Plan, and the following specific conditions:

#### Waste Acceptance and Disposal

- a. The facility shall accept only those solid wastes which it is permitted to receive.
- b. No municipal solid waste, hazardous waste, industrial waste or liquid waste shall be accepted for disposal.
- c. Waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.
- d. The permittee shall implement a program at the facility for detecting and preventing the disposal of unacceptable wastes. The program shall include, at a minimum:
  - i. Random inspections of incoming loads or other comparable procedures;
  - ii. Record keeping which documents these inspections;
  - iii. Training of personnel to recognize hazardous, liquid, and other unauthorized waste types;
  - iv. Development of a contingency plan to properly manage any identified hazardous or problem wastes; The plan must address identification, removal, storage, and final disposition of these wastes.

#### Cover Material Requirements

- e. Operational soil cover of at least six inches shall be placed at least once per week or when the active area reaches ½ acre in size or more often as necessitated by the

nature of the waste so as to prevent the site from becoming a visual nuisance and to prevent fire, windblown materials, vectors or water infiltration.

- f. Areas which will not have additional waste placed on them for 12 months or more, but where final termination of operations has not occurred, shall be covered with a minimum of one foot of soil cover.
- g. After final termination of disposal operations at the site, or major part thereof, or upon revocation of a permit, the final cover system shall be installed.

#### Access and Safety

- h. The facility shall be adequately secured by means of gates, chains, berms, fences, or other security measures approved by the Division to prevent unauthorized entry.
- i. An attendant shall be on duty at the site at all times while it is open for public use to ensure compliance with operational requirements.
- j. The access road to the site shall be of all-weather construction and maintained in good condition.
- k. Dust control measures shall be implemented when necessary.
- l. Signs providing information on dumping procedures, the hours of operation, the permit number, the emergency contact, and other pertinent information shall be posted at the site entrance.
- m. Signs shall be posted stating that no MSW, hazardous waste, industrial waste or liquid waste can be received.
- n. Traffic signs or markers shall be provided as necessary to promote an orderly traffic pattern to and from the discharge area and to maintain efficient operating conditions.
- o. The removal of solid waste from the facility is prohibited unless the owner/operator approves and the removal is not performed on the working face.
- p. Barrels and drums shall not be disposed of unless they are empty and perforated sufficiently to ensure that no liquid or hazardous waste is contained therein, except fiber drums containing asbestos.
- q. Open burning of solid waste is prohibited.
- r. The concentration of explosive gases generated at the facility shall not exceed:
  - i. twenty-five percent of the limit for gases in site structures (excluding gas control or recovery system components); and
  - ii. the lower explosive limit for gases at the facility boundary.

#### Erosion and Sedimentation Control

- s. Adequate sedimentation and erosion control measures shall be practiced to prevent silt from leaving the site.

- t. Adequate sedimentation and erosion control measures shall be practiced to prevent excessive on-site erosion.
- u. Provisions for a vegetative ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of C&D landfill development.

#### Drainage Control and Water Protection Requirements

- v. Surface water shall be diverted from the operational area.
  - w. Surface water shall not be impounded over or in waste.
  - x. A separation distance of at least four feet shall be maintained between waste and the ground-water table.
  - y. Solid waste shall not be disposed of in water.
  - z. Leachate shall be contained on site or properly treated prior to discharge. An NPDES permit may be required prior to discharge of leachate to surface waters.
13. All pertinent landfill operating personnel will receive training and supervision necessary to carry out their duties and operate this landfill in a safe manner.
14. A closure and post-closure plan must be submitted for approval at least 90 days prior to closure or partial closure of any landfill unit. The plan must include all steps and measures necessary to close and maintain the facility in accordance with all rules in effect at that time. At a minimum, the plan shall address the following:
- a. Design of a final cover system;
  - b. Construction and maintenance/operation of the final cover system and erosion control structures;
  - c. Surface water, ground water, and explosive gas monitoring.

#### **MONITORING AND REPORTING REQUIREMENTS:**

15. Ground water quality at this facility is subject to the classification and remedial action provisions referenced in 15A NCAC 2L. Water quality monitoring for the C&D landfill shall occur according to approved plan and the following conditions:
- a. The permittee shall sample the monitoring wells on a semi-annual basis, or as directed by the SWS Hydrogeologist.
  - b. Monitoring well design and construction, sampling methods and sampling equipment shall conform to specifications found in Attachment 2, "North Carolina Water Quality

- Monitoring Guidance Document for Solid Waste Facilities". Sampling parameters shall conform to those found in Attachment 3, "Sampling and Analysis Requirements".
- c. Prior to the acceptance of any waste at the facility, a baseline sampling event shall be completed. The results of this sampling event shall be submitted to the Section Hydrogeologist in a timely manner. (See Construction and Operation Condition 11(e).)
  - d. Well completion records and boring logs shall be submitted to the Division at the same time as the results of the initial sampling event or within 30 days of any new well completion (See Construction and Operation Condition 11(e)).
  - e. A geologist shall be in the field to supervise well installation. The exact locations, screened intervals, and nesting of the wells shall be established after consultation with the SWS Hydrogeologist at the time of well installation.
  - f. A readily accessible unobstructed path shall be initially cleared and maintained so that four-wheel drive vehicles may access the monitoring wells at all times.
  - g. The permittee shall establish locations for surface water sampling. Surface water shall be sampled and analyzed semi-annually according to the protocol and parameters required by the Division at the time of sampling.
16. The permittee shall maintain a record of all monitoring events and analytical data. Reports of the analytical data for each water quality monitoring sampling event shall be submitted to the Section in a timely manner.
  17. Explosive gas monitoring shall be performed as needed to ensure compliance with the standards in Rule .0503 (2)(a).
  18. The permittee shall maintain a record of the amount of solid waste received at the facility, compiled on a monthly basis. Scales shall be used to weigh the amount of waste received.
  19. On or before 01 August of each year (or an earlier date as requested by the Solid Waste Section), the permittee shall report the amount of waste received (in tons) at this facility and disposed of in the landfill to the Solid Waste Section and to all counties from which waste was accepted, on forms prescribed by the Section. This report shall include the following information:
    - a. The reporting period shall be for the previous year, beginning 01 July and ending on 30 June.
    - b. The amount of waste received and landfilled in tons, compiled on a monthly basis, according to Condition 4 described above, and

CONDITIONS OF PERMIT NO. 60-13  
PTO ISSUED (Phase I) 24 JUNE 1993  
AMENDMENT 1 (Phase II): 7 MARCH 1995  
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AMENDMENT 3 (PTO 4.4 Acres): 26 OCTOBER 2001

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- c. Documentation that a copy of the report has been forwarded to all counties from which waste was accepted.
20. If, during the operational life of the facility, it becomes apparent that the operations are impacting ground water adversely, the Solid Waste Section will require landfilling activities to cease and closure of the operating unit(s).

## ATTACHMENT 1

### List of Additional Documents for Permit No. 60-13:

1. Approved Site and Construction Plans for Phase I of North Mecklenburg Landfill submitted 3 September 1993.
2. Hydrogeological assessment containing approved groundwater monitoring plan submitted by Ecological Services, Inc. 19 June 1992
3. Legal description of the facility (Phase I only).
4. Approved Construction and Operation Plan for North Mecklenburg Landfill submitted by Frank Hicks Associates, Inc. 20 January 1995 (Phase II Expansion).
5. Legal description of the facility (Phase II only).
6. "Final Site Plan Application, North Mecklenburg Landfill" submitted by Enviro-Pro, P.C. and dated 27 August 2001 including local government approval, zoning approval, franchise agreement, and legal description of the facility (expansion property).
7. "Construction Plan Application, North Mecklenburg C&D Landfill Expansion, Huntersville, NC" submitted by Patterson & Brewer Associates dated 18 July 2001 with revisions dated 12 October 2001; including construction plan drawings, sediment and erosion control plan approval, and facility operations plan.
8. Submittal dated 25 October 2001 from Griffin Brothers, Companies including boring logs, monitoring well installation records, and documentation to show that the permit had been recorded at the Register of Deeds office.
9. Letter dated 25 October 2001 from Patterson Brewer & Associates certifying as-built subgrade elevations for 4.40 acres of the approved 14.9 acre expansion.

2



# LANDFILL DEVELOPMENT

## •• FAX TRANSMITTAL ••

Date: 10/25/01

To: TIM JENNETT Fax Number: 919-733-4810

From:  **RON GILKERSON** • 704.895.0329 Fax 896.2960

**MIKE GRIFFIN** • 704.895.4506 Fax 896.2960

### MESSAGE

TIM,

ATTACHED ARE CORES OF BORING LOGS AND  
WELL COMPLETION RECORDS FOR MONITORING ~~WELLS~~ WELLS  
MW-12, MW-13, MW-14, MW-15 & MW-16. TOM ALSO  
MADE A NOTE ON THE WELL COMPLETION LOGS THAT  
WELLS WERE SAMPLED ON 10/24/01. A COPY  
OF THE RECEIPT FROM MORGAN COUNTY REGISTER OF  
DEEDS HAS BEEN ATTACHED.

I WILL BE SENDING YOU THE GRADE CERTIFICATION  
FROM DAN SHORTZ.

THANKS,

Tom

This facsimile transmission consist of 12 pages, including this cover page.

19109 W Catawba Ave • Suite 118 • Cornelius, North Carolina 28031-5613

MECKLENBURG CO REG OF DEEDS  
720 EAST FOURTH STREET  
CHARLOTTE, NC 28202  
(704)336-2443

ISSUED TO:  
NORTH MECKLENBURG LANDFILL, IN

RECEIPT # 229485  
DATE 10/23/2001

TIME	BOOK	PAGE	FEE
16:48	12793	597	2001182698
PERMIT			30.00

Total Amount Due \$30.00

CHECK 9627 30.00

Total Payments: \$30.00

THANK YOU  
JUDITH A. GIBSON  
REGISTER OF DEEDS  
Deputy: ROSSEM

<b>ENVIRO-PRO, P.C.</b> Charlotte, North Carolina	<b>LITHOLOGIC LOG</b>	Boring No.: <u>MW-12</u> Job No: <u>ER-1292</u> Client: <u>N. Meck. Landfill</u>
Project Location: <u>Huntersville</u>	State: <u>NC</u>	Total Depth: <u>60'</u>
Logged By: <u>TS</u>	Soil Sample Method: <u>Air Cuttings</u>	Date Started: <u>10-18-01</u> Date Complete: <u>10-19-01</u>
Driller: <u>T. Dehner / R. Simms</u>	Drill Method: <u>Air Rotary</u>	Equipment Type: <u>Lawterra CT-250</u> Boring Diameter: <u>6"</u>
Soil Gas Sample Method:	Measuring Point Elev. (MP): <u>51.19'</u>	Groundwater (bmp): 0 hrs <u>Day</u> 24 hrs <u>51.35'</u>
Land Surface Elevation (L.S):	Remarks: <u>7 Day Water 51.19'</u>	

Elevation ft.	Depth ft.	SPT/Interval	Sample ID No.	Description	Soil Use	Moisture	USCS Log	Comments
				<u>Tan-brn. sh. clayey fine sandy silt</u>				
	<u>5</u>							
	<u>10</u>							
	<u>15</u>			<u>PWR - Sampled as Tan-brn. silty fine sand w/ Rx fragments</u>				
	<u>20</u>							
	<u>25</u>							
	<u>30</u>			<u>Hard Gray Granite</u>				
	<u>35</u>							

<b>ENVIRO-PRO, P.C.</b> Charlotte, North Carolina	<b>LITHOLOGIC LOG</b>	Boring No.: <u>MW-12</u> Job No.: <u>EP-1292</u> Client: <u>D. Meek, Landfill</u>
Project Location: <u>Huntersville</u> Drilled By: <u>78</u> Soil Sample Method: <u>Air Cuttings</u> Driller: <u>T. Tophel / R. Simmons</u> Drill Method: <u>Air Rotary</u> Soil Gas Sample Method: _____ Land Surface Elevation (LSE): _____      Measuring Point Elev. (MPE): _____	State: <u>NC</u> Total Depth: <u>60'</u> Date Started: <u>10-18-01</u> Date Complete: <u>10-19-01</u> Equipment Type: <u>Conterra RT-250</u> Boring Diameter: <u>6"</u> Groundwater (bhp): <u>0 hrs</u> Dry      24 hrs <u>51.35'</u> Remarks: _____	

Elevation ft	Depth ft	SPT/Interval	Sample ID No.	Description	Soil Gas	Moisture	USCS Log	Comments
	40							
	45			Hard Gray Granite				
	50							
	55							
	60			Air Rotary Drilling Terminated @ 60' bgs; set 2" PVC well				

<b>ENVIRO-PRO, P.C.</b> Charlotte, North Carolina	<b>LITHOLOGIC LOG</b>	Boring No.: <u>MW-13</u> Client: <u>J. Mack Landfill</u>	Job No.: <u>EP-1292</u> State: <u>NC</u> Date Started: <u>10-18-01</u> Equipment Type: <u>Cantenna - CT-250</u> Groundwater (bmp): 0 hrs <u>44.20'</u> 24 hrs <u>36.52'</u>
Project Location: <u>Huntersville</u>		Total Depth: <u>45'</u>	
Bored By: <u>TB</u>		Date Completed: <u>10-19-01</u>	
Soil Sample Method: <u>Air Cuttings</u>		Boring Diameter: <u>6"</u>	
Driller: <u>T. Byrnes / R. Simmons</u>		Drill Method: <u>Air Rotary</u>	
Soil Gas Sample Method:		Remarks: <u>7-Day Wb = 30.23'</u>	
Land Surface Elevation (LS):		Measuring Point Elev. (MPE):	

Elevation ft.	Depth ft.	SPT/Interval	Sample ID No.	Description	Soil Gas	Moisture	USCS Log	Comments
				<u>Dark-gray-brn. sil. clayey silt w/ organic matter</u>				
	<u>5</u>							
	<u>10</u>			<u>lt. tan-brn - orange brn. sil. clayey fine sandy silt</u>				
	<u>15</u>							
	<u>20</u>							
	<u>25</u>			<u>PUR - sampled as tan-brn. silty fine sand w/ Rx fragments</u>				
	<u>30</u>							
	<u>45</u>			<u>Hard Gray Granite</u>				
				<u>Air Rotary Drilling Terminated @ 45' bgs; set 2" PVC well to 37' bgs</u>				

ENVIRO-PRO, P.C.  
Charlotte, North Carolina

LITHOLOGIC LOG

Boring No.: MW-14 Job No.: EP-1292  
Client: W. Meek Landfill

Project Location:  Huntersville State: NC Total Depth: 36'  
Logged By: TR Soil Sample Method: Air Cuffings Date Started: 10-18-01 Date Completed: 10-19-01  
Drilling: T. Frubel / R. Simmons Drill Method: Air Rotary Equipment Type: Cantenna - CT-250 Boring Diameter: 6"  
Soil Gas Sample Method: \_\_\_\_\_ Groundwater (bwp): 0 hrs 34.23' 24 hrs 26.74'  
Soil Surface Elevation (LS): \_\_\_\_\_ Measuring Point Elev. (MP): \_\_\_\_\_ Remarks: 7 Day Water = 25.

Elevation ft.	Depth ft.	SPT/Interval	Sample ID No.	Description	Soil Gas	Moisture	USCS Log	Comments
				Dk. gray-brn. sl. clayey silt				
	5							
	10			Lt. tan-brn - orange-brn sl. clayey fine sandy silt				
	15							
	20			DWR - Sampled as tan-brn. silty fine sand w/ Rx fragments				
	25							
	30			Hard Gray Granite				
	35							
				Terminated Air Rotary Drilling @ 36' bgs; Set 2" PVC well to 32' bgs				

<b>ENVIRO-PRO, P.C.</b> Charlotte, North Carolina	<b>LITHOLOGIC LOG</b>	Boring No.: <u>MW-15</u> Job No.: <u>EP-1292</u> Client: <u>N. Meck. Landfill</u>
Project Location: <u>Huntersville</u>		State: <u>NC</u> Total Depth: <u>23'</u>
Geared By: <u>FB</u>	Soil Sample Method: <u>Air Cuttings</u>	Date Started: <u>10-18-01</u> Date Complete: <u>10-19-01</u>
Driller: <u>T. Traylor / R. Simmons</u>	Drill Method: <u>Air Rotary</u>	Equipment Type: <u>Cantenna - RT-250</u> Boring Diameter: <u>6"</u>
Soil Gas Sample Method:	Measuring Point Elev. (MP):	Groundwater (basp): 0 hrs <u>21.73'</u> 24 hrs <u>14.17'</u>
Land Surface Elevation (L.S.):	Remarks:	

Elevation ft.	Depth ft.	SPT/Interval	Sample ID No.	Description	Soil O <sub>2</sub>	Moisture	USCS Log	Comments
				Dk. gray-brn. sl. clayey silt w/ organic matter				
	5							
	10			Tan-brn. - orange-brn. sl. clayey fine sandy silt				
	15							
	20			PWR - Sampled as tan-brn. silty fine sand w/ Rx fragments				
				Hard gray Granite		moist @ 21'		
	25			Air Rotary Drilling Terminated @ 23' bgs; set 2" PVC well				

ENVIRO-PRO, P.C.  
Charlotte, North Carolina

LITHOLOGIC LOG

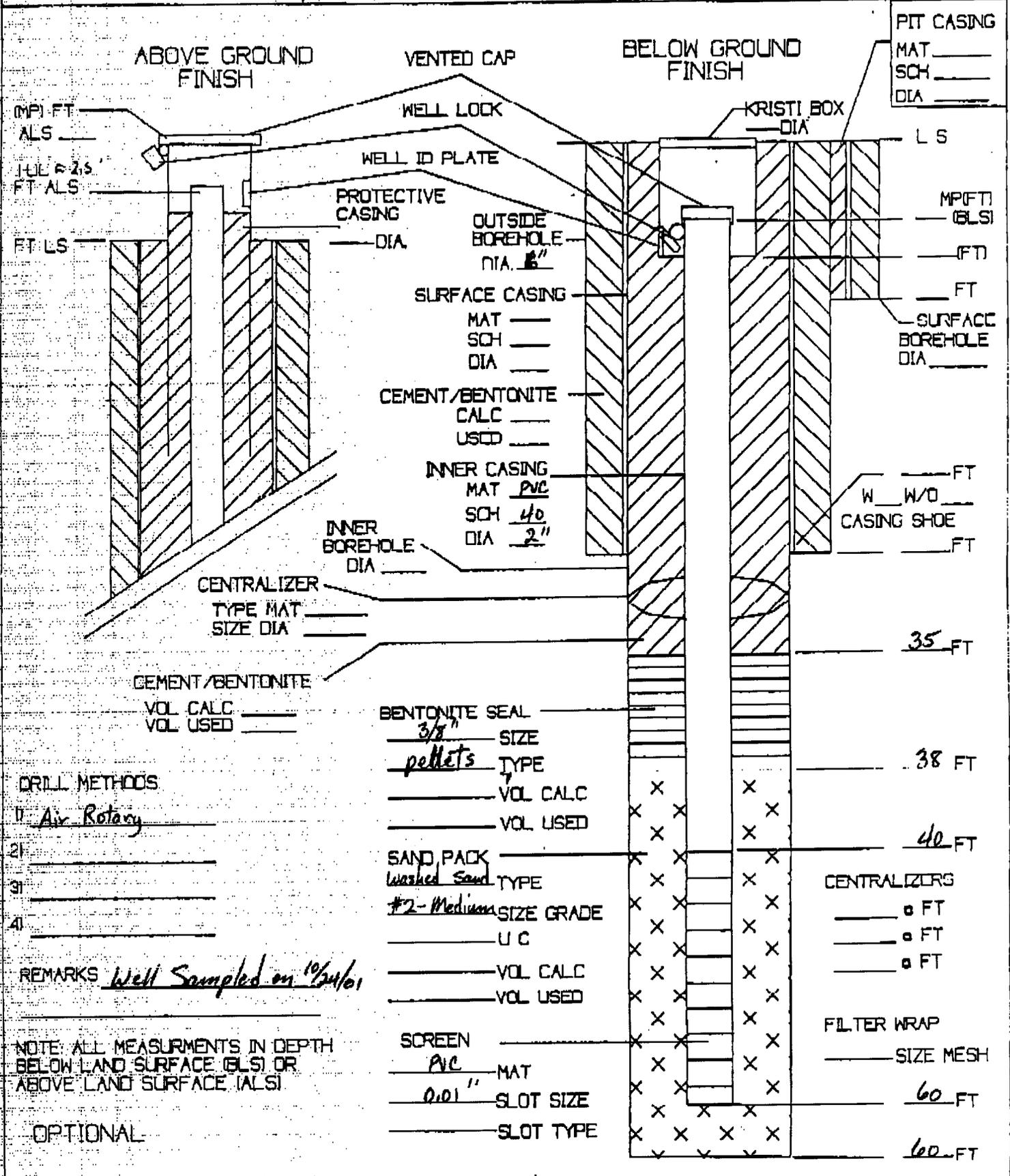
Boring No.: MW-16 Job No.: EP-1298  
Client: N. Meck. Landfill

Project Location: Huntersville  
 Logged By: JB Soil Sample Method: Air Cuttings  
 Driller: T. Tynjala / R. Simons Drill Method: Air Rotary  
 State: NC Date Started: 10-18-01 Total Depth: 28'  
 Equipment Type: Casperro-CT-250 Boring Diameter: 6"  
 Groundwater (bwp): 0 hrs 25.40' 24 hrs 18.72'  
 Measuring Point Elev. (MP): \_\_\_\_\_ Remarks: \_\_\_\_\_

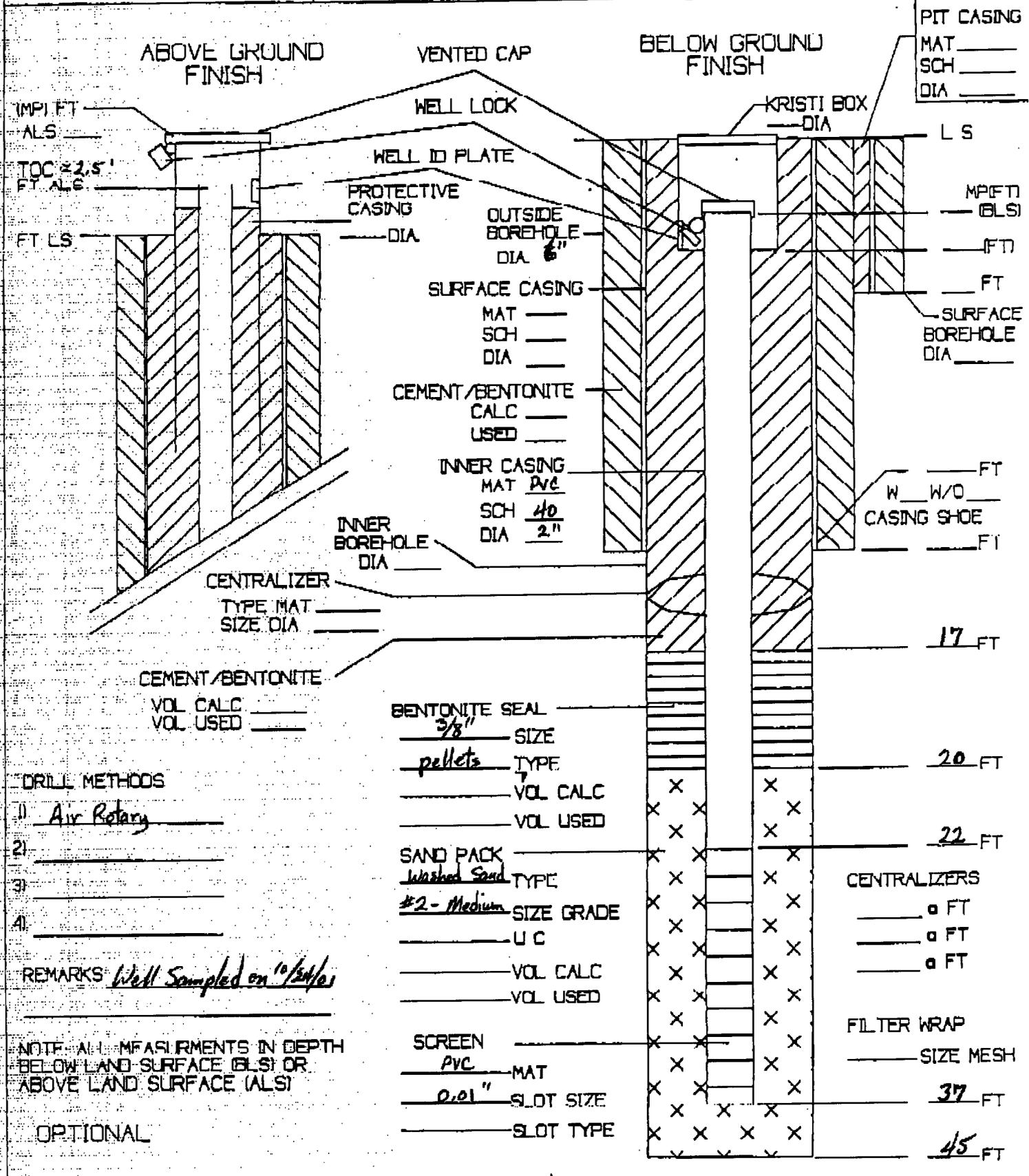
Elevation ft.	Depth ft.	SPT/Interval	Sample ID No.	Description	Soil Uses	Moisture	USCS Log	Comments
	5			Fill - sampled as lt. tan-brn. silty fine sand w/ Rx fragments				
	10			Tan-brn. - orange-brn. sl. clayey silty fine sand				
	15							
	20			PWR - Sampled as tan-brn silty fine sand w/ Rx fragments				
	25							
	30			Air Rotary Drilling Terminated @ 28' bgs; set 2" pvc well				

moist  
@ 18'

ENVIRO-PRO, P.C. CHARLOTTE, NC	WELL COMPLETION LOG	TYPE <u>III</u>	WELL # <u>MW-12</u> JOB # <u>EP-1292</u>
PROJECT LOCATION <u>Huntersville, NC</u>	COUNTY <u>Mecklenburg</u>	STATE <u>NC</u>	CLIENT <u>AJ Mack, Landfill</u>
LAND SURFACE ELEV. _____	MEASURING PT. ELEV. (MPI) _____	LOG BY <u>FB</u>	DATE BEGAN <u>10-18-01</u>
WELL DEV. METHOD _____	VOLUME EVAC. _____	DATE COMPLETED <u>10-19-01</u>	
	APPEARANCE _____	MONITORED FORMATION _____	



ENVIRO-PRO, P.C. CHARLOTTE, NC	WELL COMPLETION LOG	TYPE <u>III</u>	WELL # <u>MW-13</u> JOB # <u>EP-1292</u>
PROJECT LOCATION <u>Huntersville, NC</u>	COUNTY <u>Mecklenburg</u>	STATE <u>NC</u>	CLIENT <u>N. Meek, Landfill</u>
LAND SURFACE ELEV.	MEASURING PT. ELEV. (MP)		LOG BY <u>FB</u>
WELL DEV. METHOD	VOLUME EVAC. _____		DATE BEGAN <u>10-18-01</u>
	APPEARANCE _____		DATE COMPLETED <u>10-19-01</u>
			MONITORED FORMATION



**DRILL METHODS**

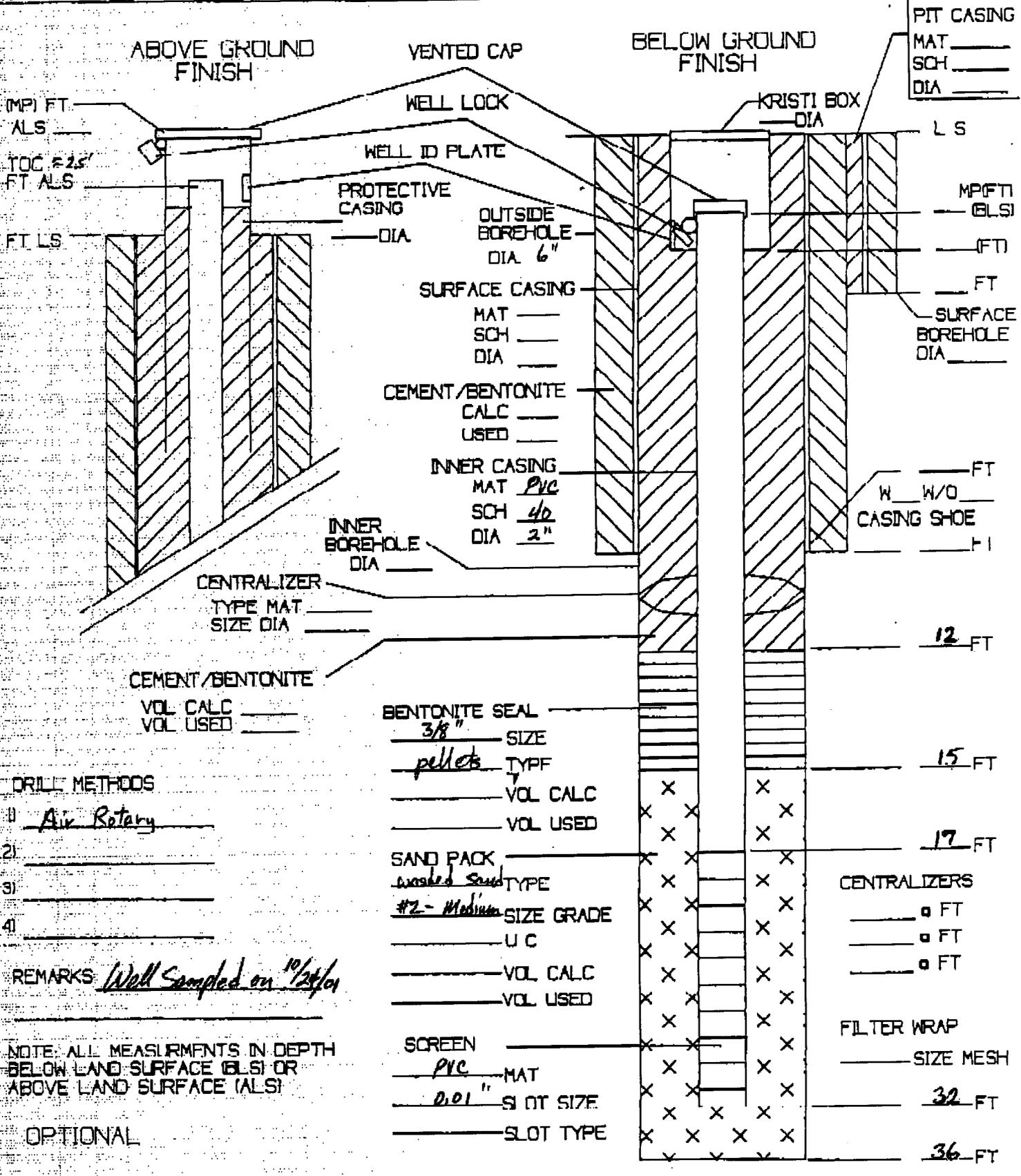
- 1) Air Rotary
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

REMARKS Well Sampled on 10/24/01

NOTE: ALL MEASUREMENTS IN DEPTH BELOW LAND SURFACE (BLS) OR ABOVE LAND SURFACE (ALS)

OPTIONAL

ENVIRO-PRO, P.C. CHARLOTTE, NC	WELL COMPLETION LOG	TYPE 000	WELL # <u>MW-14</u> JOB # <u>EP-1292</u>
PROJECT LOCATION <u>Huntersville, NC</u>	COUNTY <u>Mecklenburg</u>	STATE <u>NC</u>	CLIENT <u>Griffin Landfill</u>
LAND SURFACE ELEV.	MEASURING PT. ELEV. (MPI)		LOG BY <u>TB</u>
WELL DEV. METHOD	VOLUME EVAC. _____		DATE BEGAN <u>10-18-01</u>
	APPEARANCE _____		DATE COMPLETED <u>10-19-01</u>
			MONITORED FORMATION



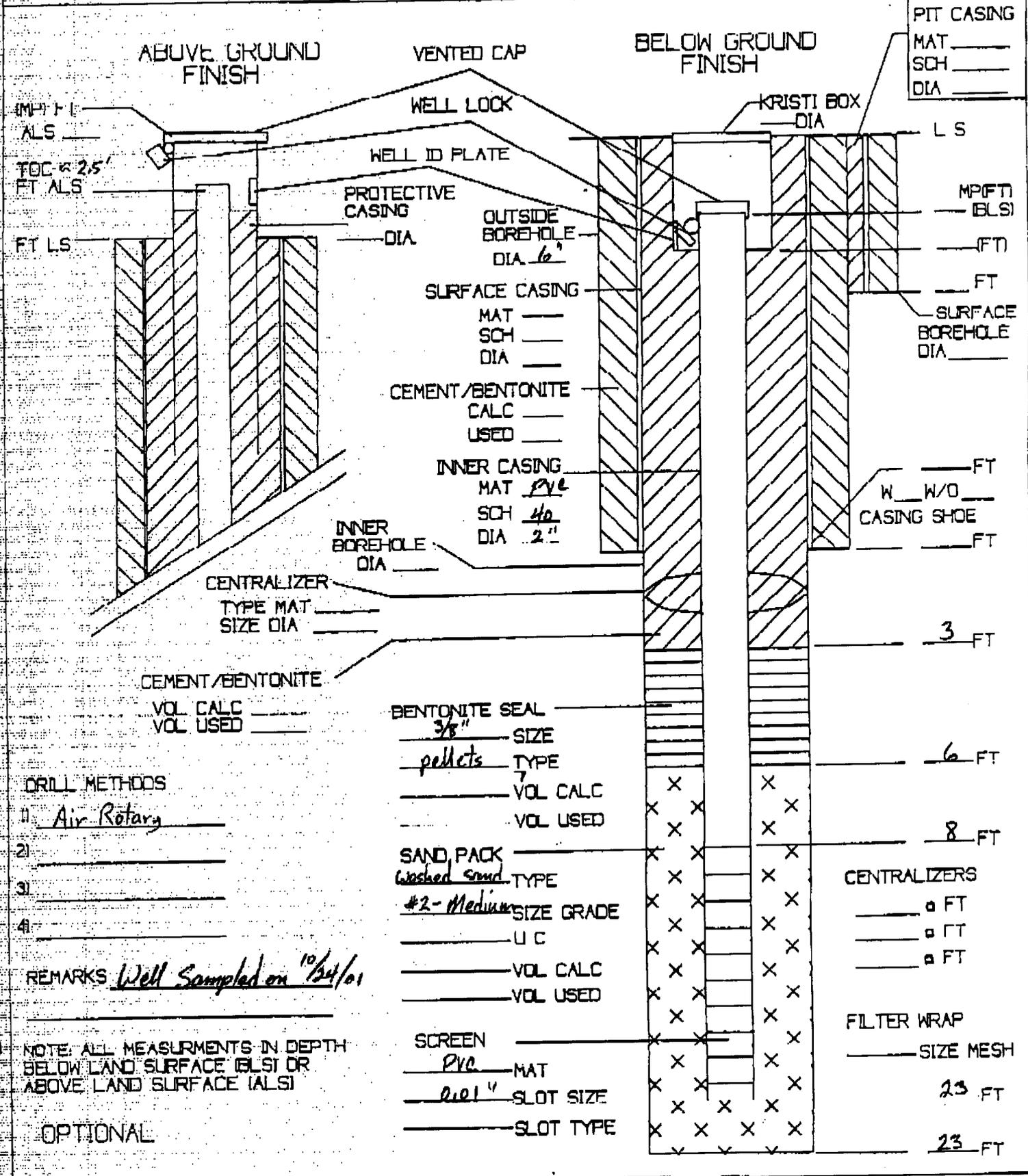
- DRILL METHODS**
- 0) Air Rotary
  - 2) \_\_\_\_\_
  - 3) \_\_\_\_\_
  - 4) \_\_\_\_\_

REMARKS Well Sampled on 10/24/01

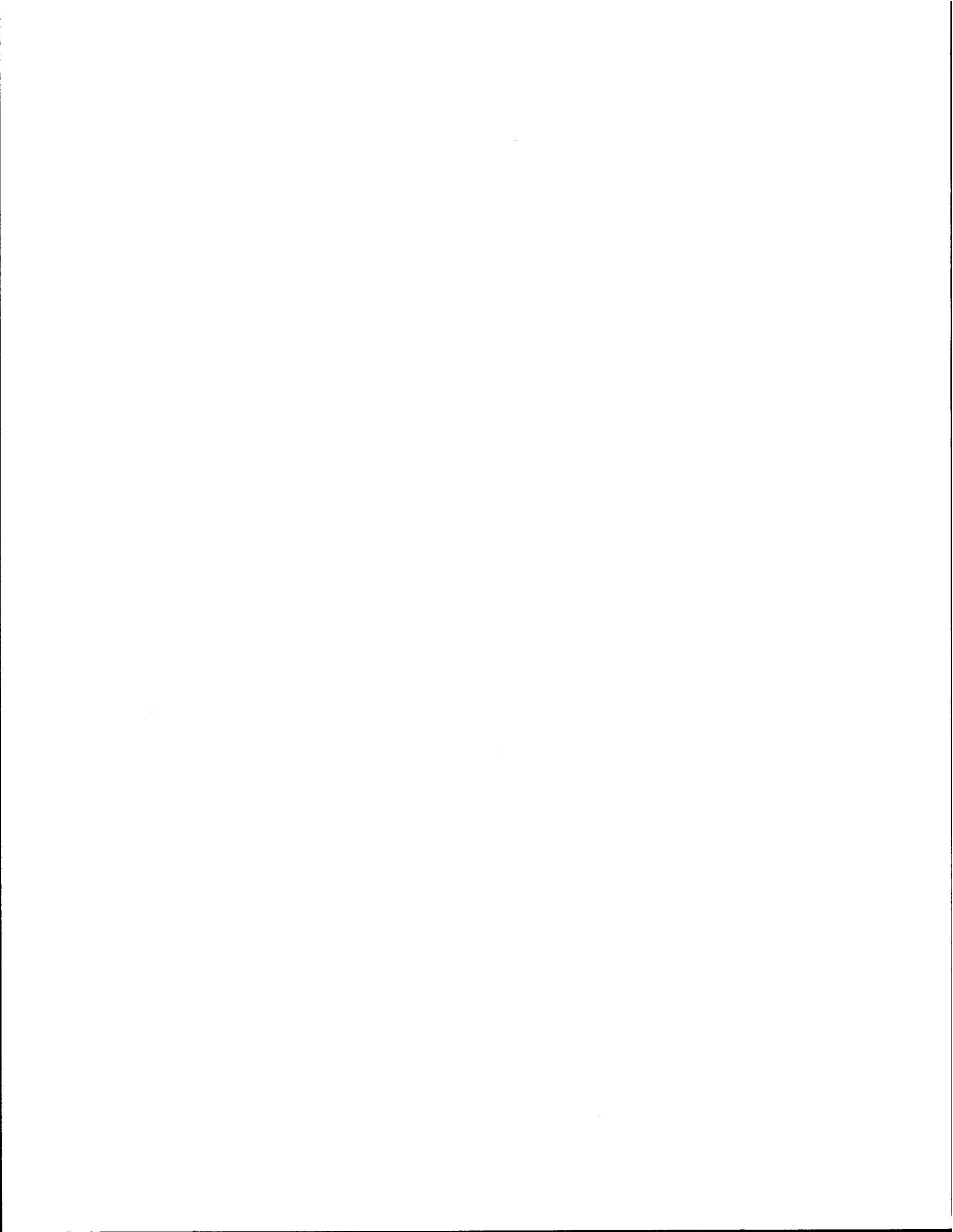
NOTE: ALL MEASUREMENTS IN DEPTH BELOW LAND SURFACE (BLS) OR ABOVE LAND SURFACE (ALS)

OPTIONAL

ENVIRO-PRO, P.C. CHARLOTTE, NC	WELL COMPLETION LOG	TYPE III	WELL # <u>MW-15</u> JOB # <u>EP-1292</u>
PROJECT LOCATION <u>Huntersville, NC</u>	COUNTY <u>Mecklenburg</u>	STATE <u>NC</u>	CLIENT <u>N. Meck. Landfill</u>
LAND SURFACE ELEV.	MEASURING FT. ELEV. (MPI)	LOG BY <u>TB</u>	DATE BEGAN <u>10-18-01</u>
WELL DEV. METHOD	VOLUME EVAC	DATE COMPLETED <u>10-19-01</u>	
	APPEARANCE	MONITORED FORMATION	







**PATTERSON  
BREWER**  
*& Associates*  
Engineering • Surveying • Planning

RECEIVED  
N.C. DEPT. OF ENV.  
OCT 29 2001  
Winston-Salem  
Regional Office

3

Post Office Box 1387 • Mooresville, NC 28115  
704/662-0100 • Fax 704/662-0101

October 25, 2001

NCDENR, Division of Waste Management  
585 Waughtown Street  
Winston-Salem, North Carolina 27107-2241

Attention: Mr. Tim Jewett

Reference: **As-Built Subgrade Verification**  
North Mecklenburg Landfill Expansion  
Huntersville, North Carolina

Dear Mr. Jewett:

Patterson, Brewer & Associates, P.A. has surveyed subgrade elevations of the as-built subgrade for the southwest portion of the landfill expansion area. All locations surveyed within the shaded area shown on the attached grading plan verify the minimum permitted subgrade elevations.

We appreciate your cooperation with us on this project. If you have any questions or need additional information, please contact us.

Respectfully Submitted,  
Patterson, Brewer & Associates, P.A.

*Dan E. Brewer*

Dan E. Brewer, P.E.  
Principal



cc: Mr. Ron Gilkerson, North Mecklenburg Landfill



North Carolina  
Department of Environment and Natural Resources

Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Interim Director



October 19, 2001

Mr. Larry A. Griffin, Sr.  
North Mecklenburg Landfill, Inc.  
15300 Holbrooks Road  
Huntersville, NC 28078

**Re:** North Mecklenburg Landfill, Inc. Expansion Permit to Construct  
Solid Waste Permit No. 60-13

Dear Mr. Griffin:

The Solid Waste Section approves the application for the proposed Construction and Demolition Debris Landfill expansion. Enclosed please find a solid waste Permit to Construct and the accompanying conditions for the subject facility, issued in accordance with N.C.G.S. 130A-294 and the NC Solid Waste Management Rules. This permit is for a five year period from the date in which the Permit to Operate is issued. Once the requirements outlined in Construction and Operations Condition 11(a-d) are met, the Division will issue a Permit to Operate. Sampling results (surface and groundwater) from the Water Quality Monitoring Plan should be sent to the attention of Larry Rose in the Raleigh Central Office (1646 Mail Service Center, Raleigh, NC 27699-1646).

Please review the conditions of permit carefully. If you have any questions or comments about the enclosed permit, please feel free to contact me at (336) 771-4608 ext. 204 or the Solid Waste Specialist for your area, Rick Doby, at (704) 663-1699.

Sincerely,

  
Timothy A. Jewett  
Western Area Engineer  
Solid Waste Section

cc: Jim Coffey, SWS  
Brent Rockett, SWS  
Rick Doby, SWS  
Ron Gilkerson, North Mecklenburg Landfill, Inc.  
Raleigh Central Files: North Mecklenburg Landfill, Inc. (C&D), Mecklenburg County,  
Permit No. 60-13

H:\WESTERN\IC&D\60-13C&D.PTC

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone: 919-733-0692 \ FAX: 919-733-4810 \ Internet: [www.enr.state.nc.us/](http://www.enr.state.nc.us/)

AN EQUAL OPPORTUNITY \ AFFIRMATIVE ACTION EMPLOYER - 50% RECYCLED / 10% POST CONSUMER PAPER

North Carolina  
Department of Environment and Natural Resources



Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Interim Director

PERMIT NO. 60-13  
PTO ISSUED 24 JUNE 1993  
AMENDMENT 1 (Expansion): 7 MARCH 1995  
AMENDMENT 2 (PTC Expansion): 19 OCTOBER 2001

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WASTE MANAGEMENT

**SOLID WASTE PERMIT**

NORTH MECKLENBURG LANDFILL, INC. (Operator)  
GRIFFIN-PARKER ENTERPRISES, GRIFFIN BROS. INC., NORTH MECKLENBURG  
LANDFILL, INC., AND LARRY GRIFFIN, SR. (Land Owners)

are hereby issued a permit to CONSTRUCT a 14.9 Acre

Construction and Demolition Landfill Cell

located at 15300 Holbrook Road, southeast of the Town of Huntersville, in Mecklenburg 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 facility is located and described by the property deed included in the siting requirements and construction plan application referenced in Attachment 1.

  
James C. Coffey  
Acting Section Chief  
Solid Waste Section

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone: 919-733-0692 \ FAX: 919-733-4810 \ Internet: [www.enr.state.nc.us/](http://www.enr.state.nc.us/)

AN EQUAL OPPORTUNITY \ AFFIRMATIVE ACTION EMPLOYER - 50% RECYCLED / 10% POST CONSUMER PAPER

PERMIT NO. 60-13  
PTO ISSUED (Phase I) 24 JUNE 1993  
AMENDMENT 1 (Phase II): 7 MARCH 1995  
AMENDMENT 2 (PTC Expansion): 19 OCTOBER 2001

**NORTH MECKLENBURG LANDFILL, INC.**

**SOLID WASTE PERMIT  
CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL UNIT**

**CONDITIONS OF PERMIT:**

**GENERAL:**

1. This permit shall not be effective unless the certified copy is filed 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 shall be returned to the Division of Waste Management (the Division).
2. When this property is sold, leased, transferred or conveyed, 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.
3. The permit is for a five year period and is subject to review on or before 19 October 2006, as per 15A NCAC 13B .0201(c) or sooner, according to the issuance date of the permit to operate. Modifications to the facility may be required in accordance with the rules in effect at the time of review. This facility may receive solid waste that is generated within a service area consisting of Mecklenburg County and the contiguous counties of Iredell, Cabarrus, Union, Gaston, and Lincoln.
4. The approved plan for this facility is described in Attachment 1, "List of Documents for Approved Plan". Where discrepancies exist, the most recent submittal and these Conditions shall govern. Some components of the approved plan are reiterated in these Conditions.
5. This permit is not transferable.
6. A copy of this permit, the approved plans, and all pertinent records shall be maintained on-site at the facility and made available to the Solid Waste Section (SWS) upon request.
7. The owner/operator is responsible for obtaining any and 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.

**Construction and Operation:**

8. This permit is for the development of the North Mecklenburg Landfill, Inc. 14.9 acre expansion within the approved facility description, in accordance with the approved plans prepared by Patterson Brewer & Associates (revisions dated 12 October 2001) and Enviro-Pro, P.C (dated 27 August 2001). Initial development shall begin on the southwest side of the facility.
9. This solid waste management facility is permitted to receive the following waste types:
  - a. Land-clearing debris as defined in G.S. 130A-290, specifically, solid waste that is generated solely from land-clearing activities, such as stumps, trees, etc.;
  - b. Inert debris defined as solid waste which consists solely of material that is virtually inert, such as brick, concrete, rock and uncontaminated soil;
  - c. Asphalt in accordance with G.S. 130A-294(m);
  - d. Construction and demolition debris defined as solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures;

Note: Yard trash defined as solid waste consisting solely of vegetative matter resulting from landscaping maintenance (see G.S. 130A-290) is banned from disposal in this facility as per NC General Statutes.
10. All sedimentation and erosion control measures will be conducted in accordance with the Sedimentation Control Act codified at 15 NCAC 4. Native vegetation shall be established on the completed landfill.
11. The following requirements shall be met prior to operation of this facility:
  - a. North Mecklenburg Landfill, Inc. or its consultant shall provide documentation to the Division that the site preparation (grading, placement of fill if applicable, maintaining 4 feet separation between waste and groundwater, etc.) has occurred in accordance with the construction plan and the conditions specified herein.
  - b. The owner's geologist shall examine the cell excavation and note any pertinent geological features exposed during the construction process and shall notify the Solid Waste Section Hydrogeologist of these findings.
  - c. Site inspection shall be made by a representative of the Division.
  - d. Signs shall be posted at the facility in accordance with the Access and Safety Requirements under Operation Condition No. 12 listed below.

- e. Surface water monitoring locations shall be established and groundwater monitoring wells (see Monitoring and Reporting Requirements) shall be installed. A baseline sampling event for background water quality shall be performed. Well construction records, boring logs, and evidence that a baseline sampling has been conducted shall be submitted to the Section Hydrogeologist for review and approval prior to operation (see Monitoring and Reporting Conditions below).
  - f. Recordation procedures for the permit shall be implemented as described above in General Conditions Numbers 1 and 2.
  - g. A comprehensive Operations Plan shall be submitted to the Division in accordance with 15A NCAC 13B .0505.
12. Operation of the facility shall occur in accordance with the NC Solid Waste Management Rules 15A NCAC 13B .0505, "Operational Requirements for Sanitary Landfills", the approved Operations Plan, and the following specific conditions:

Waste Acceptance and Disposal

- a. The facility shall accept only those solid wastes which it is permitted to receive.
- b. No municipal solid waste, hazardous waste, industrial waste or liquid waste shall be accepted for disposal.
- c. Waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.
- d. The permittee shall implement a program at the facility for detecting and preventing the disposal of unacceptable wastes. The program shall include, at a minimum:
  - i. Random inspections of incoming loads or other comparable procedures;
  - ii. Record keeping which documents these inspections;
  - iii. Training of personnel to recognize hazardous, liquid, and other unauthorized waste types;
  - iv. Development of a contingency plan to properly manage any identified hazardous or problem wastes; The plan must address identification, removal, storage, and final disposition of these wastes.

Cover Material Requirements

- e. Operational soil cover of at least six inches shall be placed at least once per week or when the active area reaches ½ acre in size or more often as necessitated by the nature of the waste so as to prevent the site from becoming a visual nuisance and to prevent fire, windblown materials, vectors or water infiltration.

- f. Areas which will not have additional waste placed on them for 12 months or more, but where final termination of operations has not occurred, shall be covered with a minimum of one foot of soil cover.
- g. After final termination of disposal operations at the site, or major part thereof, or upon revocation of a permit, the final cover system shall be installed.

#### Access and Safety

- h. The facility shall be adequately secured by means of gates, chains, berms, fences, or other security measures approved by the Division to prevent unauthorized entry.
- i. An attendant shall be on duty at the site at all times while it is open for public use to ensure compliance with operational requirements.
- j. The access road to the site shall be of all-weather construction and maintained in good condition.
- k. Dust control measures shall be implemented when necessary.
- l. Signs providing information on dumping procedures, the hours of operation, the permit number, the emergency contact, and other pertinent information shall be posted at the site entrance.
- m. Signs shall be posted stating that no MSW, hazardous waste, industrial waste or liquid waste can be received.
- n. Traffic signs or markers shall be provided as necessary to promote an orderly traffic pattern to and from the discharge area and to maintain efficient operating conditions.
- o. The removal of solid waste from the facility is prohibited unless the owner/operator approves and the removal is not performed on the working face.
- p. Barrels and drums shall not be disposed of unless they are empty and perforated sufficiently to ensure that no liquid or hazardous waste is contained therein, except fiber drums containing asbestos.
- q. Open burning of solid waste is prohibited.
- r. The concentration of explosive gases generated at the facility shall not exceed:
  - i. twenty-five percent of the limit for gases in site structures (excluding gas control or recovery system components); and
  - ii. the lower explosive limit for gases at the facility boundary.

#### Erosion and Sedimentation Control

- s. Adequate sedimentation and erosion control measures shall be practiced to prevent silt from leaving the site.
- t. Adequate sedimentation and erosion control measures shall be practiced to prevent excessive on-site erosion.

- u. Provisions for a vegetative ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of C&D landfill development.

#### Drainage Control and Water Protection Requirements

- v. Surface water shall be diverted from the operational area.
  - w. Surface water shall not be impounded over or in waste.
  - x. A separation distance of at least four feet shall be maintained between waste and the ground-water table.
  - y. Solid waste shall not be disposed of in water.
  - z. Leachate shall be contained on site or properly treated prior to discharge. An NPDES permit may be required prior to discharge of leachate to surface waters.
13. All pertinent landfill operating personnel will receive training and supervision necessary to carry out their duties and operate this landfill in a safe manner.
14. A closure and post-closure plan must be submitted for approval at least 90 days prior to closure or partial closure of any landfill unit. The plan must include all steps and measures necessary to close and maintain the facility in accordance with all rules in effect at that time. At a minimum, the plan shall address the following:
- a. Design of a final cover system;
  - b. Construction and maintenance/operation of the final cover system and erosion control structures;
  - c. Surface water, ground water, and explosive gas monitoring.

#### **MONITORING AND REPORTING REQUIREMENTS:**

15. Ground water quality at this facility is subject to the classification and remedial action provisions referenced in 15A NCAC 2L. Water quality monitoring for the C&D landfill shall occur according to approved plan and the following conditions:
- a. The permittee shall sample the monitoring wells on a semi-annual basis, or as directed by the SWS Hydrogeologist.
  - b. Monitoring well design and construction, sampling methods and sampling equipment shall conform to specifications found in Attachment 2, "North Carolina Water Quality Monitoring Guidance Document for Solid Waste Facilities". Sampling parameters shall conform to those found in Attachment 3, "Sampling and Analysis Requirements".
  - c. Prior to the acceptance of any waste at the facility, a baseline sampling event shall be completed. The results of this sampling event shall be submitted to the Section

- Hydrogeologist in a timely manner. (See Construction and Operation Condition 10(d).)
- d. Well completion records and boring logs shall be submitted to the Division at the same time as the results of the initial sampling event or within 30 days of any new well completion (See Construction and Operation Condition 10(d)).
  - e. A geologist shall be in the field to supervise well installation. The exact locations, screened intervals, and nesting of the wells shall be established after consultation with the SWS Hydrogeologist at the time of well installation.
  - f. A readily accessible unobstructed path shall be initially cleared and maintained so that four-wheel drive vehicles may access the monitoring wells at all times.
  - g. The permittee shall establish locations for surface water sampling. Surface water shall be sampled and analyzed semi-annually according to the protocol and parameters required by the Division at the time of sampling.
16. The permittee shall maintain a record of all monitoring events and analytical data. Reports of the analytical data for each water quality monitoring sampling event shall be submitted to the Section in a timely manner.
  17. Explosive gas monitoring shall be performed as needed to ensure compliance with the standards in Rule .0503 (2)(a).
  18. The permittee shall maintain a record of the amount of solid waste received at the facility, compiled on a monthly basis. Scales shall be used to weigh the amount of waste received.
  19. On or before 01 August of each year (or an earlier date as requested by the Solid Waste Section), the permittee shall report the amount of waste received (in tons) at this facility and disposed of in the landfill to the Solid Waste Section and to all counties from which waste was accepted, on forms prescribed by the Section. This report shall include the following information:
    - a. The reporting period shall be for the previous year, beginning 01 July and ending on 30 June.
    - b. The amount of waste received and landfilled in tons, compiled on a monthly basis, according to Condition 4 described above, and
    - c. Documentation that a copy of the report has been forwarded to all counties from which waste was accepted.
  20. If, during the operational life of the facility, it becomes apparent that the operations are impacting ground water adversely, the Solid Waste Section will require landfilling activities to cease and closure of the operating unit(s).

## ATTACHMENT 1

### List of Additional Documents for Permit No. 60-13:

1. Approved Site and Construction Plans for Phase I of North Mecklenburg Landfill submitted 3 September 1993.
2. Hydrogeological assessment containing approved groundwater monitoring plan submitted by Ecological Services, Inc. 19 June 1992
3. Legal description of the facility (Phase I only).
4. Approved Construction and Operation Plan for North Mecklenburg Landfill submitted by Frank Hicks Associates, Inc. 20 January 1995 (Phase II Expansion).
5. Legal description of the facility (Phase II only).
6. "Final Site Plan Application, North Mecklenburg Landfill" submitted by Enviro-Pro, P.C. and dated 27 August 2001 including local government approval, zoning approval, franchise agreement, and legal description of the facility (expansion property).
7. "Construction Plan Application, North Mecklenburg C&D Landfill Expansion, Huntersville, NC" submitted by Patterson & Brewer Associates dated 18 July 2001 with revisions dated 12 October 2001; including construction plan drawings, sediment and erosion control plan approval, and facility operations plan.

BK: 08176 PG: 0609/0611 #:0273 18.00

\*\*\* NC EXCISE TAX: 360.00 \*\*\*

JUDITH A GIBSON REG OF DEEDS MECK NC  
FILED FOR REGISTRATION 06/13/95 15:32

HECKLENBURG COUNTY

DATE

[Redacted]

360.00

1600 50



Real Estate  
Excise Tax

Excise Tax \$360.00

Recording Time, Book and Page

Tax Lot No. 019-101-02 Parcel Identifier No.  
Verified by County on the day of , 19  
by

Mail after recording to H. Parks Helms; ROD Box 12

This instrument was prepared by H. Parks Helms

Brief description for the Index  
Holbrooks Road

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 12th day of June, 1995, by and between

GRANTOR

GRANTEE

FRANKIE H. GODLEY (Unmarried)

LARRY GRIFFIN, SR.

c/o North Mecklenburg Landfill, Inc.  
15300 Holbrooks Road  
Huntersville, North Carolina 28078

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Mecklenburg Township, County, North Carolina and more particularly described as follows:

See description on Exhibit A.

*Handwritten signature*

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3633, page 382  
of the Mecklenburg County Public Registry

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_  
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to  
the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey  
the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and  
defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.  
Title to the property hereinabove described is subject to the following exceptions:

Easements, conditions, restrictions, reservations and rights-of-way of record.

06476-0510

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its  
corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first  
above written.

\_\_\_\_\_  
(Corporate Name)  
By: \_\_\_\_\_ (SEAL)  
\_\_\_\_\_  
President  
ATTEST: \_\_\_\_\_ (SEAL)  
\_\_\_\_\_  
Secretary (Corporate Seal) (SEAL)

USE BLACK INK ONLY

*Frankie H. Godley*  
FRANKIE H. GODLEY (SEAL)



SEAL-STAMP

NORTH CAROLINA, Mecklenburg County.  
I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_  
FRANKIE H. GODLEY (Unmarried), Grantor,  
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my  
hand and official stamp or seal, this 12 day of June, 1995.  
My commission expires: My Commission Expires April 14, 1998 *Anita S. Lindsey* Notary Public

Use Black Ink

NORTH CAROLINA, \_\_\_\_\_ County.  
I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_  
personally came before me this day and acknowledged that \_\_\_\_\_ he is \_\_\_\_\_ Secretary of  
\_\_\_\_\_ a North Carolina corporation, and that by authority duly  
given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_  
President, sealed with its corporate seal and attested by \_\_\_\_\_ as its \_\_\_\_\_ Secretary.  
Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.  
My commission expires: \_\_\_\_\_ Notary Public

Use Black Ink

The foregoing Certificate(s) of \_\_\_\_\_  
\_\_\_\_\_ are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the  
first page hereof.  
REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY  
By \_\_\_\_\_ Deputy/Assistant - Register of Deeds

EXHIBIT A

Beginning at an existing iron pin located on the easterly side of the right-of-way of Holbrooks Road (SR #2446) on a western line of the property of John Pinkney, Jr. (now or formerly) described in Deed Book 3435 at page 273 of the Mecklenburg County Public Registry, and running thence with the line of John Pinkney, Jr. N 14-50-34 W 32.17 feet to a point located in the paved portion of Holbrooks Road; thence S 64-51-16 W 153.9 feet to a point in the paved portion of the right-of-way of Holbrooks Road, such point being located on an eastern line of the property owned (now or formerly) by Emory D. Stevens described in Deed Book 3726 at page 139; thence S 9-23-24 E 821.8 feet to an existing iron pin at a common corner with the property of Emory D. Stevens described herein; thence S 58-54-59 W 828.48 feet to an existing iron pin at a common corner with the property of Arnold W. Johnston (now or formerly) described in Deed Book 2313 at page 253; and running thence with the line of Arnold W. Johnston S 58-37-00 E 1,767.32 feet intersecting a creek at three places, to an existing iron pin at a corner of the property owned by Linda Wester Long (now or formerly) described in Deed Book 6116 at Page 663; and running thence with the line of Linda Wester Long S 73-36-49 E 269.33 feet to an existing iron pin; thence N 75-59-28 E 1,096.52 feet, intersecting the same creek once, to an existing iron pin; thence with a line of the property of Griffin-Parker Enterprises described in Deed Book 5992 at Page 370 N 44-49-05 W 2,165.44 feet to an existing iron pin located at a common corner with the property owned by Rufus Blackmon (now or formerly) described in Deed Book 4441 at page 875; thence S 56-56-37 W 155.94 feet to an existing iron pin; thence S 56-54-07 W 155.23 feet to an existing iron pin at a corner of the property of Peron Griffin (now or formerly) described in Deed Book 3753 at page 447 of the Mecklenburg County Public Registry; thence S 56-56-15 W 154.75 feet to an existing iron pin at a common corner of the property of John Pinkney, Jr. (now or formerly) described herein; thence with the line of John Pinkney, Jr. N 14-50-34 W 746.83 feet to an existing iron pin, being the point and place of beginning.

And being the same property described on a boundary survey of property for Griffin-Parker Enterprises by Spratt and Brooks Land Surveying dated June 8, 1995.

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of Anita S. Lindsey

Notary(ies) Public is/are certified to be correct.

This 13<sup>th</sup> day of June, 19 95.

JUDITH A. GIBSON, REGISTER OF DEEDS

By: Mary N. Posey Deputy Register of Deeds

North Carolina  
Department of Environment and Natural Resources



Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Interim Director

October 17, 2001

Mr. Larry Griffin, Sr., President  
North Mecklenburg Landfill, Inc.  
15300 Holbrook Road  
Huntersville, North Carolina 28078

Re: North Mecklenburg C&D Landfill Expansion at 15300 Holbrook Road, Huntersville,  
Mecklenburg County, North Carolina. Permit No. 60-13

Dear Mr. Griffin:

The Solid Waste Section (Section) of the Division of Waste Management, has completed its review of the site study for the proposed North Mecklenburg Construction and Demolition (C&D) Debris Landfill expansion. The proposed site is located at 15300 Holbrook Road on the east side of the Town of Huntersville, Mecklenburg County, North Carolina. Pursuant to Rule .0503(1) and .0504(1), of the North Carolina Administrative Code 15A NCAC 13B, the Division is notifying North Mecklenburg Landfill, Inc. that the site is considered suitable, and North Mecklenburg Landfill, Inc. is authorized to prepare an application for a permit to construct. This letter addresses the approved disposal area, a scope for additional subsurface investigations required to prepare the construction plans for the disposal area and support facilities, and design and construction standards for the referenced facility.

Section .0201 of the Solid Waste Management Rules (15A NCAC 13B) requires the Division to issue a solid waste permit in two parts. The first part is a Permit to Construct and the second part is a Permit to Operate. The Division may only issue a Permit to Operate after it determines that the facility has been constructed in accordance with the construction permit and that all pre-operative conditions have been met. This letter is not a permit. This letter only informs the applicant that they may proceed with their permit application. The final action the Division may take on a permit application is the issuance or denial of a permit.

#### **APPROVED DISPOSAL AREA**

##### General

Based upon information submitted and revised through October 12, 2001, the Solid Waste Section has determined that the approximately 25 acre (14.9 acre cell) expansion, as proposed in the conceptual design plan, is suitable for development of a solid waste management facility subject to the terms and conditions specified below.

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone: 919-733-0692 \ FAX: 919-733-4810 \ Internet: [www.enr.state.nc.us/](http://www.enr.state.nc.us/)

AN EQUAL OPPORTUNITY \ AFFIRMATIVE ACTION EMPLOYER - 50% RECYCLED / 10% POST CONSUMER PAPER

Mr. Larry Griffin, Sr.  
North Mecklenburg C&D Landfill Expansion - Site Suitability Letter  
October 17, 20001  
Page 2

## **GENERAL CONDITIONS AND SITE-SPECIFIC DESIGN REQUIREMENTS**

The Section requires the submittal of a construction plan application for the first five-year development phase, as identified in the conceptual design plan, which is consistent with the requirements of 15A NCAC 13B .0201(e), including, but not limited to, the site specific criteria set forth in this letter.

### Buffers

Horizontal buffers shall be as described in the conceptual design and as designated in Rule .0503(2)(f), and shall also include the following buffer criteria:

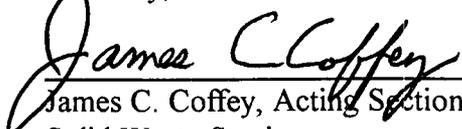
- a) A 200-foot minimum buffer shall be maintained between all property lines and disposal areas.
- b) A 100-foot minimum buffer shall be maintained between facility boundaries and borrow areas, unless otherwise approved by the Division.
- c) A minimum 50-foot buffer shall be maintained between borrow areas and delineated wetlands.
- d) A minimum 50-foot buffer shall be maintained between disposal areas and delineated wetlands.

### Design and Construction Standards

1. The applicant must complete the application for a permit to construct consistent with Rule .0503(2) and .0504(2) and the general site conditions and design requirements of this letter.
2. A property survey, sealed by a licensed North Carolina Surveyor, shall be submitted with the permit to construct application.

The Permit to Construct and the Permit to Operate will be issued to North Mecklenburg Landfill, Inc. and Larry Griffin, Sr.. If you have any questions or comments regarding this letter, please contact our office at (919)733-0692 or contact the Western Area Engineer, Tim Jewett, at (336)771-4608 ext. 204.

Sincerely,

  
James C. Coffey, Acting Section Chief  
Solid Waste Section

cc: Brent Rockett, SWS Tim Jewett, SWS  
Rick Doby, SWS Dennis Tindall, Mecklenburg County  
Raleigh Central File:North Mecklenburg Landfill, Mecklenburg County, Permit No. 60-13

North Carolina  
Department of Environment and Natural Resources



Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Interim Director

October 16, 2001

MEMORANDUM

To: Tim Jewett  
From: Bobby Lutfy *BL*  
RE: North Mecklenburg County C&D Landfill Expansion  
Permit Number 60-13

I have reviewed the Final Site Plan Application Expansion Plan, dated August 2001, and the Construction Plan Application, dated July 2001, for the North Mecklenburg County C&D Landfill. With the revisions received today (October 16, 2001) these documents now meet the hydrogeologic requirements of the Solid Waste Management Rules for C&D Landfills, Rules .0503 and .0504. Therefore, you may proceed with issuing the Permit to Construct.

CC: Jim Coffey  
Rick Doby

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone: 919-733-0692 \ FAX: 919-733-4810 \ Internet: [www.enr.state.nc.us/](http://www.enr.state.nc.us/)

AN EQUAL OPPORTUNITY \ AFFIRMATIVE ACTION EMPLOYER - 50% RECYCLED / 10% POST CONSUMER PAPER

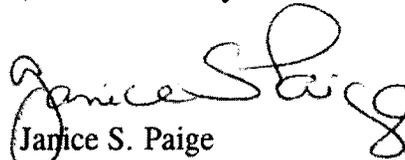


**MECKLENBURG COUNTY**  
Clerk to the Board

**STATE OF NORTH CAROLINA**  
**COUNTY OF MECKLENBURG**

I, Janice S. Paige, Clerk to the Board of County Commissioners of Mecklenburg County, DO HEREBY CERTIFY that the attached is a true and exact copy of the Construction and Demolition Debris Landfill Ordinance and Franchise Agreement adopted by the Board of County Commissioners of Mecklenburg County, North Carolina in a meeting held June 5, 2001 recorded in full in Minute Book 40-A.

Witness my hand and the official seal of said Board, this the 7th day of June 2001.

  
Janice S. Paige  
Clerk to the Board

RCO File  
Correspondance  
60-13  
Mecklenburg County  
North " CID Landfill  
Inc.

**PEOPLE • PRIDE • PROGRESS**



**5m**

Meeting Date: June 5, 2001

## REQUEST FOR BOARD ACTION

**To:** Harry L. Jones, Sr., County Manager

**From:** Sandra T. Bisanar, Deputy County Attorney

**Action Requested:** Consider approving Construction and Demolition Debris Landfill Ordinance and Franchise Agreement for Griffin Brothers Companies. **(SECOND READING)**

**Purpose of Request:** Griffin Brothers Companies operates a demolition landfill located within the ETJ of Huntersville, and the company wishes to expand its operations. The Town of Huntersville has granted zoning approval, but the State now requires a franchise from the County before the State will process State permit applications.

**Manager=s Recommendation:** Approve Construction and Demolition Debris Landfill Ordinance and Franchise Agreement for Griffin Brothers Companies.

**Advisory Board Recommendation:**

**Fiscal Impact:**

**Total County Dollars: \$**

**CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL  
ORDINANCE AND FRANCHISE AGREEMENT**

THIS AGREEMENT, made and entered into this 5<sup>th</sup> day of June, 2001 by and between **Mecklenburg County**, a political subdivision of the State of North Carolina by and through its Board of County Commissioners (hereinafter the "County"), and **North Mecklenburg Landfill, Inc.** (hereinafter "Landfill").

WHEREAS, pursuant to applicable North Carolina law, the County is duly authorized to grant franchises for the disposal of construction and demolition debris within the unincorporated portions of Mecklenburg County, North Carolina; and

WHEREAS, Landfill has presented satisfactory evidence to the County that Landfill possesses adequate physical and financial resources with which to provide such disposal service pursuant to State, federal and local rules, regulations, laws and ordinances.

WHEREAS, granting a construction and demolition debris landfill and resource recovery facility franchise to Landfill is consistent with the best interests of the public; and

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the County and Landfill do hereby agree as follows:

**SECTION 1 – NONEXCLUSIVE FRANCHISE**

1.1 By adoption of this Agreement and the ordinance granting the franchise incorporated herein, and pursuant to the authority granted by N.C.G.S. 153A-46 and 153A-136; N.C.G.S. 130A, Article 9, and all other applicable State and local laws, County grants to and confers upon Landfill a nonexclusive right and franchise to establish, own and operate within the unincorporated areas of the County a construction and demolition debris landfill and resource recovery facility.

The grant of these rights is subject to the condition that, in addition to all other applicable laws, rules and regulations, Landfill must at all times comply with all requirements of the Agreement and all requirements and conditions of any federal, State or local law, regulation, rule or ordinance, including without limitation the Huntersville Zoning Ordinance or its replacement or successor.

1.2 Landfill shall provide, directly or through subcontractors, all labor, materials, equipment, skills, tools, machinery, supervision, facilities, and other services or material in order to provide for the disposal of construction and demolition debris in accordance with this Agreement. Landfill shall pay, at its sole expense, all costs, expenses, license fees, and other fees, costs and charges of any kind or nature required to provide construction and demolition debris disposal services.

1.3 The relationship between the parties shall be limited to performance of this

Agreement solely in accordance with its terms. No party shall have any responsibility whatsoever with respect to services provided or contractual obligations assumed by the other party and nothing in this Agreement shall be deemed to constitute either party a partner, agent, or legal representative of the other party or to create any fiduciary or agency relationship.

1.4 The population to be served is that of Mecklenburg County, which is approximately 640,000 as of the 2000 census.

1.5 The geographical area to be covered by this franchise is all of Mecklenburg County.

1.6 The nonexclusive franchise shall permit the acceptance at the Landfill of a maximum of 300,000 tons of construction and demolition debris per year.

1.7 The projected useful life of the construction and demolition landfill to be operated by Landfill is five (5) years.

## **SECTION 2 – INDEMNIFICATION**

Landfill will indemnify and hold harmless the County and its officers, agents and employees from and against (as they are incurred and finally awarded) all liabilities, claims, damages, losses, costs and expenses (including without limitation, legal costs and expenses and attorney's fees) of any kind or nature, arising out of or in any way resulting from or attributable to the performance (or non-performance) of Landfill, its agents, employees or officers, their work or actions, whether authorized by Landfill or pursuant to this Agreement or not, provided that any such liability, claim, damage, loss, cost or expense (a) is attributable to interference with use and/or enjoyment of property, bodily injury, sickness, disease, or death, or (b) injury to or destruction of tangible property (other than the work specifically authorized by this Agreement) including the loss of use resulting therefrom, or (c) is caused in whole or in part by an intentional or negligent act or omission of Landfill, any subcontractor or agent, anyone directly or indirectly employed by any of the above or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in whole or in part by a party indemnified hereunder. In any and all claims against the County or any of its agents, officers or employees, by an employee of Landfill, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation from Landfill to the County shall not be limited in any way as to the amount or type of damages, compensation or benefits payable by or for Landfill or any subcontractor under workmen's compensation acts, disability benefits acts or other employee benefit acts.

## **SECTION 3 – TERM**

The term of this Agreement shall be for five (5) years from August 1, 2001 through July 31, 2006.

## **SECTION 4 – RESPONSIBILITIES OF LANDFILL**

4.1 General – In addition to the other responsibilities of Landfill set forth in this Agreement, Landfill shall do all the work and furnish at its own expense, all labor, materials,

equipment, and other facilities, as may be necessary and proper for performing and completing the work under the terms and conditions of this Agreement.

Unless otherwise expressly provided, the means and methods of disposal shall be as Landfill may choose, subject, however, to all applicable rules, regulations, ordinances and laws. Only adequate and safe procedures, methods, and equipment shall be used as well as only adequately trained employees, subcontractors or other agents. The grounds and facilities, all vehicles, containers, and other equipment shall be kept in good repair and working order, good and tidy appearance, and in a sanitary condition. No noxious odors or noises from the Landfill shall be permitted at any time. Noises resulting from the normal operation of the Landfill must be within the limits of the Mecklenburg County Noise Ordinance, or such rules as may be established by the Town of Huntersville in any of its legally adopted ordinances, whichever is more stringent.

4.2 Disposal Facility – Landfill’s construction and demolition debris landfill shall be at 15300 Holbrooks Road, Huntersville, North Carolina. It shall be open no more than six days per week, Monday through Saturday inclusive, and be closed on Sunday. It shall open no earlier than 7:00 a.m. and close no later than 6:00 p.m. Monday through Friday and open no earlier than 7:00 a.m. and close no later than 12:00 p.m. on Saturday, or such hours established by the Huntersville Zoning Ordinance, which rules shall supercede the hours stated above.

Landfill’s Disposal Facility shall serve Mecklenburg County and all counties contiguous to it.

4.3 Record Keeping and Reporting – Landfill shall at all times maintain a current listing of all customers (names and addresses) and make this list available to the County and to the Town of Huntersville upon request.

At least fifteen (15) days following the end of each quarter, the Landfill shall automatically provide a written report on its operations to the County including the following:

Number of customers, the resident county of such customer and quantity of waste disposed of in the Landfill by such customer.

Number and nature of all complaints received from the public and their resolution.

The quantity of all waste disposed of in the Landfill for the current quarter and year-to-date.

4.4 Spillage and/or Litter – Landfill shall be responsible for promptly picking up and/or removing any debris or litter spilling from vehicles presumed to be vehicles hauling debris to the Landfill.

4.5 Complaints and Service Disputes – The Landfill shall respond in writing to

complaints from any party within 24 hours and will use its best efforts to resolve complaints received from residents surrounding the Landfill and other persons as a result of its operations under this Agreement.

Landfill shall maintain a dated, up-to-date file listing all complaints received, the name and address of the complaining party, Landfill's response or action taken with respect thereto, the date of such response and the name of the Landfill employee handling the response. Such files shall be made available to the County upon request.

## **SECTION 5 – SPECIAL CONDITIONS**

5.1 Representatives and Notices – The authorized representative of the County for purposes of this Agreement shall be:

County Manager  
Mecklenburg County  
600 East 4<sup>th</sup> Street  
Charlotte, NC 28202

The authorized representative of Landfill for purposes of this Agreement shall be:

Larry Griffin, Sr.  
Griffin Brothers Companies  
15300 Holbrooks Road  
Huntersville, NC 28078

Either party may change its representative upon five days prior written notice to the other party. All notices required under this Agreement must be sent by first class mail, postage prepared, to the applicable party at the above address. Additionally, all notices required to be sent under this Agreement shall also be sent to the Town of Huntersville to the attention of the Town Manager.

5.2 Default of Contract – Should Landfill abandon or delay the performance of, or in any manner refuse or fail to comply with any of the terms or conditions of this Agreement or neglect or refuse to comply with the instructions of the County relative thereto, the County shall notify Landfill, in writing, of such abandonment, delay, refusal, failure, or neglect and direct Landfill to comply with all provisions of the Agreement. Copies of such written notice shall be mailed to the surety that issued the performance and payment bonds, and also presented to the Board of County Commissioners for action. The Board of County Commissioners shall hear the matter at an open session within ten (10) days after receipt of written notice from the County and shall make a determination within seven (7) days after the hearing by the Board of County Commissioners whether or not the action in question is a breach of the terms of this Contract. Landfill agrees to be present at such hearing and show cause why it has abandoned, delayed, refused, failed or neglected to comply with the terms of this Agreement.

Should Landfill fail to appear or fail to show cause why it had abandoned, delayed,

refused, failed or neglected to comply with the terms of the Agreement satisfactory to the Board of County Commissioners, such Board may declare a default of the Agreement and notify Landfill and the surety that issued the performance and payment bond of such declaration of default, and the Board of County Commissioners may take such other actions it may deem advisable.

Upon receipt by Landfill of such declaration of default, Landfill agrees upon request of the County that it will discontinue the work contracted for herein.

However, in the event Landfill shall appoint or have appointed a Trustee, become insolvent or become unable to pay its debts as they become due, file or have filed against it bankruptcy proceedings, call (or have called) a meeting of its creditors, then this Agreement shall be deemed in default immediately upon such occurrence and the County, at its sole option, shall be entitled to any rights and remedies available to it under law or equity.

5.3 Transfer of Ownership - This Agreement shall not be assigned or transferred by Landfill nor (solely at the option of the County) shall this Agreement continue if a controlling interest in Landfill is sold without the prior written consent of the Board of County Commissioners, which consent if given shall be evidenced by a resolution of the Board.

5.4 Insurance - Landfill agrees to purchase and maintain during the life of this contract, with an insurance company rated not less than B+ by A.M. Best, authorized to do business in the State of North Carolina, acceptable to the Charlotte-Mecklenburg Division of Risk Management the following insurance:

- a) Automobile Liability - Bodily injury and property damage liability covering all owned, non-owned and hired automobiles for limits of not less than \$1,000,000 bodily injury each person, each accident and \$1,000,000 property damage, or \$1,000,000 combined single limit bodily injury and property damage.
- b) Comprehensive General Liability - Bodily injury and property damage liability shall be required to protect Landfill and any subcontractor performing work under this contract, from claims of bodily injury or property damage which arise from operations of this contract whether such operations are performed by the Landfill, any subcontractor or anyone directly or indirectly employed by either. The amounts of such insurance shall not be less than \$1,000,000 bodily injury each occurrence/aggregate and \$1,000,000 property damage each occurrence/aggregate, or \$1,000,000 bodily injury and property damage combined single limits each occurrence/aggregate. This insurance shall include coverage for products/completed operations, personal injury liability and contractual liability.
- c) Worker's Compensation and Employers Liability - Landfill shall meet the statutory requirements of the State of North Carolina.

A copy of a certificate of insurance for all insurance policies requested above must be presented to the County. The County shall be exempt from and in no way be liable for

any sums of money, which may represent a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the Landfill and/or subcontractor providing such insurance.

5.5 Decision of Disputes – To assist in resolving all disputes, it is understood that all questions arising as to the proper performance shall be decided by the County, subject to the right of Landfill to appeal to the Board of County Commissioners, whose decision shall be final.

5.6 Paragraph Headings, Severability, Governing Law, Jurisdiction – Paragraph headings are for convenience only and shall not be deemed a controlling part of this Agreement. In the event any term or condition hereunder shall be deemed unenforceable or unlawful, the remaining terms and conditions shall continue in full force and effect. The parties hereto agree that the terms and conditions of the Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina.

5.7 Nothing contained in this Agreement shall prohibit Mecklenburg County from operating a landfill for construction and demolition work or from granting franchises to other entities to operate such landfills.

5.8 As a condition of being granted a franchise, Landfill agrees to comply with the provisions of any ordinance which may be adopted by the County pursuant to N.C.G.S. 153A-136 during the term of this franchise, including the payment of franchise fees.

5.9 As a condition of being granted a franchise, Landfill agrees to the following conditions as represented to the Town of Huntersville:

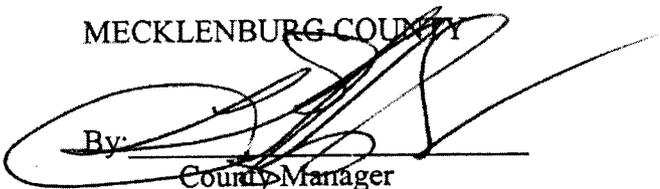
Responsibilities to Holbrooks Road Community Association, Inc. (HRA)

- Starting August 1, 2001 Landfill will pay a 25 cent per ton fee to HRA.
- Landfill prepaid \$75,000 of the fee to HRA on December 19, 2000.
- Per HRA's recommendations, eliminate bus traffic on Holbrooks Road by providing a van and compensating the driver to take children to school or to a safe bus stop.
- The van would also be available to the community per the HRA's suggestions
- HRA monies would fund up to two annual scholarships to deserving students who wish to attend a higher education institution after high school.
- Maintain yards, pick-up and dispose of any debris on the property of HRA members who are disabled senior citizens and widows.
- Offer free disposal services to HRA members for any debris that comes from their property.
- Use Landfill equipment to help members of HRA with minor improvements to their property.
- Create a direct line of communication to Landfill management to report problems with trucks on Holbrooks Road.
- Place more caution and speed limit signs on Holbrooks Road if Town allows.
- Work with Landfill manager to determine the best time to clean road and pick-up debris on the side of the road.

- Landfill agrees never to operate another landfill off Holbrooks Road after July 2006.

IN WITNESS WHEREOF, the parties hereto have caused this Franchise Agreement to be duly executed, in duplicate, this 5<sup>th</sup> day of June, 2001

MECKLENBURG COUNTY

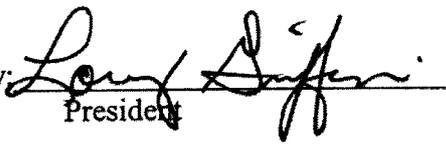
By: 

County Manager

ATTEST:

  
Clerk to the Board

NORTH MECKLENBURG LANDFILL, INC.

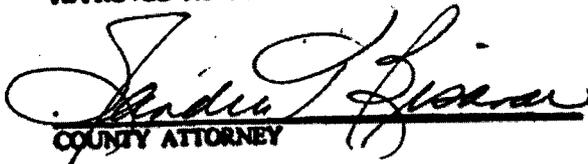
By: 

President

ATTEST:

  
Secretary

APPROVED AS TO FORM:

  
COUNTY ATTORNEY

North Carolina  
Department of Environment and Natural Resources



Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
William L. Meyer, Director

April 5, 2001

Mr. Thomas Bolyard, P.G.  
Enviro-Pro, P.C.  
15101 Regena Lane  
Charlotte, N.C. 28278

RE: Hydrogeologic Site Plan Application Report  
North Mecklenburg C&D Landfill Expansion Area  
Mecklenburg County, Permit Number 60-13

Dear Mr. Bolyard,

The initial hydrogeologic review has been completed for the above referenced Site Plan Application. There are a few items that need clarification, revision, or additional information. Please consider the following questions and comments and respond as necessary:

The Quarter-Mile Radius Photograph and Survey (Figures 3 & 4) do not meet some of the requirements of Rule .0504(1)(a).

- The figures are not on a scale of at least 1" equals 400', nor are the figures on a standard Engineering Scale.
- The figures do not indicate "Land use and zoning".
- The survey figure does not show topography or clearly indicate location of "watercourses, dry runs, and other applicable details regarding the general topography".

The Two-Mile Radius Map (Figure 5) does not show topography. Please provide USGS Quad maps or another map of comparable scale that shows the topography for the two-mile radius area.

How was the expansion area used in the past? The topography appears to indicate land disturbing activity. Is this a borrow area, soil stockpile area, or past mine site?

Mr. Thomas Bolyard  
N. Meck. C&D Landfill  
Page 2

Although the minutes of the public hearing provided in Appendix A include some discussion regarding the Landfill site, there are no records provided that indicate a vote was taken and/or that any formal action was taken.

The report states the "proposed expansion area encompasses a total of 27.84 acres". In Appendix A, the U.S. Army Corps of Engineers "Notification of Jurisdictional Determination" is for an 12.08 acre area, and the "Waters of the U.S. Survey/ Delineation Verification" is for an 21.98 acre area. Please provide a clarification regarding the different acreages referenced.

On page 7, the report states "PWR classifications were based on soils exhibiting hardness greater than 50 blows per inch". The Solid Waste Section policy defines PWR as material with standard penetration blow counts equal to or greater than 100 blows per foot. In order to have a consistent basis for comparison, please use the 100 bpf definition required by the Section. Also, standard ASTM methodology requires, seating the split spoon six inches, and then counting the blows for the next twelve inches in order to establish the standard penetration resistance values. Standard penetration testing should be done for all borings to full refusal depths.

On page 8, the vertical gradient is upward for the MW-14 well nest. However, the well nest is located about 120 feet from the nearest drainage feature, and the ground surface elevation is some 20 feet higher. Is the upward gradient representative of discharge conditions or merely reflecting confining or semi-confining conditions because the deeper well is in bedrock? Additional water table elevation comparisons should be made over time to see if the vertical gradients change at the two well nest locations.

On page 8, Due to the limited amount of water table elevation data and the extreme drought conditions existing at the time of the elevations measured, further seasonal high water table evaluation is needed, especially for the Design Study.

The Water Quality Monitoring Plan (pages 9-12), especially the monitoring well locations, will be evaluated in more detail as part of the review for the Design Plan Application. The downgradient surface water sampling location would be better located at the downstream property boundary for the entire facility, not just the expansion area. The analytical test methods for the inorganic parameters should be expressed in terms of EPA's SW-846 methodologies.

Mr. Thomas Bolyard  
N. Meck. C&D Landfill  
Page 3

Table 1: Please indicate ground-water elevations, in addition to depths to the water table, on Table 1.

Table 2: The "Water Level Depth" for MW-12 appears to be incorrect. Please provide additional water table elevation data as it becomes available.

Table 3: There is no support documentation for the effective porosity values in Table 3. The effective porosity values for wells MW-17 (6-8') and MW-6 (40') do not appear to be consistent with the soil grain analyses.

Table 4: A number of the USCS Classifications appear to be incorrect based on the soil analyses in Appendix E. The grain size analyses for sample SS-1 appear to be inconsistent with the soil laboratory report.

Figures 3, 4, and 5: Refer to previous comments.

Figure 6: If the 200 foot buffer area on the northwest side of the site is to be included in the facility boundaries, then it needs to be included in the characterization study.

Figure 6: What are the structures shown to the east of MW-7? Do these structures and the utilities serving them still exist?

Figures 7 and 8: The plan view (Figure 7) seems to indicate the stream feature intersecting cross-section A-A' to be at an elevation of less than 680 feet, which would indicate a flowing stream. However, the cross-section (Figure 8) indicates an elevation of about 684, which would indicate flow only under seasonal high conditions. Please resolve this inconsistency in a manner that most truly illustrates actual conditions.

Figure 12: Refer to previous comments on the Water Quality Monitoring System.

Appendix A: Refer to previous comments regarding the minutes of the public meeting and the wetlands studies.

Appendices B and C: The screened intervals for a number of the borings are shallower than the full boring depth. How were the bottom of the boreholes plugged? If offset borings were used for monitoring well construction, were the original borings properly abandoned with grout?

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Appendix B: For several of the borings the standard penetration testing stopped a significant distance above auger refusal and valuable information was not obtained. Why was SPT data not gathered to auger refusal?

Appendix C: There do not appear to be any well identifications on the "Well Construction Records". These records do not indicate that a bentonite seal was used for each of the wells. The "Well Completion Logs" do not indicate the depth to the top of the bentonite seal. How were the bottom of the borings sealed for those wells screened at a depth shallower than the full borehole depth?

Appendix E: For the "Summary Of Laboratory Test Data" sheet, refer to comments for Table 4.

While overall the Hydrogeologic Report was good, the comments and questions raised above need to be addressed before we can complete the Site Study Application review. If you have any questions regarding this letter, or you would like to arrange for a meeting to discuss these issues, please contact me at (919) 733-0692, extension 258.

Sincerely,



Bobby Lutfy  
Hydrogeologist  
Solid Waste Section

cc: Jim Coffey, Solid Waste Section  
Tim Jewett, SWS - Winston-Salem  
Rick Doby, SWS - Mooresville  
Ron Gilkerson, N. Mecklenburg Landfill