



### **Special Use Permit Application**

Subject: Letter stating how the applicant satisfies Article 9

Date: 10/12/16

Greenway Waste Solutions, LLC has been operating in its current use since 1988. During this time Greenway Waste Solutions, LLC has operated under the purview of Article 9.23 and satisfied all criteria.

Sincerely,

John Brown  
Greenway Waste Solutions

### **9.23 Off-Site Land Clearing and Inert Debris (LCID) and Construction & Demolition (C&D) Landfills**

Off-Site LCID and C&D Landfills are permitted in the SP District subject to a Special Use Permit, according to the procedures of [Section 11.4.10](#). The Town Board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes the conditions below.

.1 That the site will operate in compliance with the rules according to NCDENR for C&D and LCID landfills, as amended.

This site will operate in compliance with the rules according to NCDEQ. See attached NCDEQ (formerly NCDENR) Permit No. 60-13 CDLF-1993. The current permit expires 10/8/2017. (see p.6, Attachment 3, Part I:1)

In 2013 routine landfill groundwater monitoring detected an exceedance in Appendix 1 constituents. As a result of the detection, ongoing assessment monitoring has been conducted. In May 2016, Greenway Waste Solutions (GWS) submitted a Contaminant Delineation Plan to NCDEQ to further assess the exceedances. The Contaminant Delineation Plan was accepted by DEQ on June 17, 2016 and GWS is implementing the plan. Once assessment activities have determined the nature and extent of the contaminants, a remediation plan approved and monitored by DEQ will be implemented. Assessment and remediation efforts will continue until deemed approved by DEQ. Due to the nature of assessment and remediation, no timetable for completion can be provided, but will be initiated at the request of NCDEQ. See attached DEQ Contaminant Delineation Plan approval letter.

GWS is in process to acquire approximately 1 acre (the land to the west of Cane creek on parcel 01918162) on the southeastern portion of the landfill property from co applicant, Bill Hammill to increase our facility buffer. With the increased buffer area, the landfill will have significantly more buffer than required and will no longer be in violation of the NCDEQ buffer requirements. This land will never be used for landfill air space and shall remain undisturbed.

.2 That the proposed use will not endanger the public health and safety, nor substantially



reduce the value of nearby property; and

This site and the cleanup of the existing contamination will operate in compliance with the rules according to NCDEQ. Waste entering the recycling center will be hand sorted. Any unacceptable waste will be sent off site to the proper facility.

.3 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and

This site will not be in conflict with the objectives of the most detailed plan adopted for the area. The small area plan calls for a connector road from Commerce Station to the future Verhoff/Asbury Chapel Extension. The applicant will and the site plan makes an accommodation for the connector road on any Griffin owned land once the final location is determined. See note 14 on CD-101.

.4 That the comprehensive site plan addresses each of the environmental and development standards below:

a). A landfill which would be larger than 10 acres shall be accessed from a major or minor thoroughfare or from a street built to commercial street standards that connects directly to a major or minor thoroughfare. Landfills 10 acres or less must directly connect to a major or minor thoroughfare, or to a non-residential collector or non-residential local street where available. However, if such thoroughfares or streets are not reasonably available, the Board may nevertheless issue a special use permit upon finding that the use for which the permit is granted would not likely cause any injurious effect on the property adjacent to the access.

GWS shall relocate their main access from Holbrook Road to the future Verhoff/Asbury Chapel Extension as soon as available but no later than 2034. GWS will reserve a right-of-way through their property for the future connector road from the Verhoff extension to Asbury Chapel extension.

Additionally:

GWS will pay for Holbrooks borings per DOT's request

GWS will pay for extending Holbrooks shoulders and a new overlay for 300 feet West of GWS' entrance

GWS will extend the \$25,000 donation to the Town of Huntersville for improvements to Holbrooks Road for as long as GWS customers use Holbrooks Road.

GWS agrees to reassess Holbrooks Road's condition in conjunction with the town and DOT during 2025 (halfway mark for GWS' commitment to stop using Holbrooks). GWS agrees to contribute an additional amount to the maintenance of Holbrooks if the Town and DOT deem necessary.

b). That the proposed or existing use will be in compliance with the rules and regulations as established by the Traffic Impact Analysis (TIA) Article 14.

A Traffic Impact Analysis was not deemed necessary.

c). Neither clearing, grading, land disturbing activities nor any portion of a C&D or LCID landfill may be located within 100 feet of any exterior property line. Further, the buffer requirements for the site are required per the state permitting criteria. The requirements stated



below take precedence over any and all modification made by the state unless the state standards become more restrictive.

- 500-foot buffer from existing residential water supply wells to fill area.
- 200-foot buffer from adjacent property to fill area.
- No fill in designated wetlands or the FEMA and/or Community Special Flood Hazard Areas.
- 50-foot buffer from delineated streams.
- 50-foot buffer from road right-of-way to fill area (non-state requirement).

The site is in compliance with all criteria in this section.

d). Driveway access to the facility must be paved for a distance of at least 100' from the public street.

Driveway access to the facility is paved at least 100' from the public street. See "f" below

e). Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours when filling activities are not under way. A non-climbable fence, at least 6' high, shall be installed around the landfill and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed 2 inches by 4 inches or equivalent and must be placed on the interior side of screening/buffering devices.

See site plan CD 100 for existing and proposed fencing around the recycling facility. The active landfill area has a security fence. The applicant is seeking relief from the fencing requirement for the closed fill area that is inaccessible.

"GWS agrees to begin installation of fence within 90 days of any development on the parcels east or west of GWS . GWS also agrees to begin installation of fence within 90 days of construction of future Bikeway/Greenway/Carolina Thread Trail passing through GWS property."

f). All driveways which serve the site must be wide enough to accommodate two-way traffic for a distance of at least 100' from the public street so that no traffic waiting to enter the site will be backed up on any public right-of-way.

The driveway is about 48' wide serving both ingress and egress for about 65 feet. From that point ingress only continues to the scalehouse for about 125 feet for a total of 185 feet of paved driveway. The scalehouse separates ingress and egress providing two way traffic. Egress is paved for approximately 125 feet from Holbrooks Road.

.5 That the landfill operator will be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis. Failure to comply constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit.

Since inception we have taken pride in keeping the roadways clean. This process starts on site where we provide a well groomed tipping floor for our customers. From there we maintain gravel roads to remove dirt from tires. Lastly, the site operators commit to routinely wash the street with a specialized truck designed to remove dirt or mud at least once per week or more frequently if needed. Debris and litter on Holbrooks Road will be picked up at least once per week or more frequently if needed. This includes debris that is not related to our facility. We plan to continue to exceed section 6.5 of the Franchise



Agreement with the Town of Huntersville that states that we must pick up debris from our customers vehicles.

An added benefit of the MRF is that all trucks will be tipping their loads on a concrete floor further eliminating dirt falling from trucks.

.6 That the use of the site for any purpose shall be limited to the hours of 7:00 a.m. until 6:00 p.m. Monday through Saturday, if the site adjoins or is across the street from property located in a residential district.

The use of the site is limited to the hours of 7:00AM until 6:00PM, Monday through Friday and 7:00AM until 12:00PM on Saturday.

.7 That a timetable has been submitted with the application indicating the development phases and the projected life expectancy of the landfill.

Based on current waste acceptance rates and anticipated recycling rates we project a life of over 20 years.

.8 That a reclamation plan is provided that shows how the site will be reclaimed upon the closing of the landfill. The reclamation plan shall state the proposed method of conservatorship and perpetual maintenance or use. It shall demonstrate that the site, when closed, will pose no threat to public safety; that the finished contours and groundcover will reestablish a compatible appearance with surrounding lands and buildings; and that the method of maintenance or use will cause no future environmental degradation.

See attached Infill Expansion Closure Plan and drawing

.9 An existing LCID landfill shall not be required to be brought into compliance with the provisions of this ordinance provided:

This not applicable to this site.

a). The landfill has been continuously operating since 1990 and was not within the zoning jurisdiction of the Town of Huntersville in 1991;

b). The landfill has a valid LCID or demolition landfill permit and/or obtains any renewals of the LCID or demolition landfill permit required by the State of North Carolina and/or Mecklenburg County;

c). The landfill has a closure plan approved by the State of North Carolina and/or Mecklenburg County; and

d). In no event shall the landfill operate under a LCID or demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.



.10 Any existing C&D landfill shall be permitted to continue operation in the zone in which it is located provided the landfill has an unexpired special use permit. Any expansion beyond the property boundary of an existing C&D landfill as approved on November 11, 2005 must be located in the SP district with a special use permit in accordance with the provisions of this Section.