

# Narrative

Prepared for

**Jerry Smith**

Special Land Use Permitting  
LCID Landfill  
Catawba County, NC  
March 2021

Prepared by

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## **Introduction and Overview**

In accordance with Catawba County Ordinances, Wright & Associates is submitting this Narrative and Application in support of a Special Use for an existing LCID landfill. It is our belief based on conversation and old aerial photography that activities in the area of the current landfill have been occurring since the early 1970's and possibly before.

The landfill is on the land owned by Jerry E. Smith (Catawba County parcel no. 367702999737, approximately 22.01 acres). Roy Smith, Jerry's dad ran a grading company until his death on September 24, 2009. Jerry through inheritance and gift received property owned by Roy and his wife Evelyn Smith (Catawba County parcel no. 368701089418, approximately 14.80 acres). There has been activity on (parcel no. 367702999737) the land owned by Jerry since the early 1970's associated with the grading business. To our knowledge, no permits for these activities were ever required.

A special use permit was obtained by Jerry on parcel 368701089418 for a mining operation in the later part of 2017. The activity from the mining operation required land clearing. The clearing debris was taken to the landfill on parcel 367702999737. A complaint was filed with the Solid Waste Section of NC Environmental Quality re: existence of the landfill. Personnel with the Department investigated. The Department will not allow any further use of the fill until it is properly permitted.

## **Current Zoning**

The current zoning on the property is R-40. A special use permit must be obtained from the County for the landfill. The special use permit must be obtained from the county before an application to the State is submitted. A "zoning clearance" must accompany the application to the State.

## **Applicability Requirements of LCID Landfills**

Under State requirements an individual permit is required by Rule .0563 for the construction and operation of a landfill of Land Clearing and Inert Debris when the facility is to be operated for clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and comply with the local government requirements as well. Individual permits shall be issued for not more than five years.

## **Siting Requirements for LCID landfills**

### **Floodplains**

“ A search of floodplain information was done on <https://fris.nc.gov> and the Catawba County GIS. There is no flood plain information delineated on either site.

### **Endangered and Threatened Species**

The wetlands and environmental siting and criteria prepared by Wetland & Water, Inc. is attached to this narrative. No jurisdictional wetlands will be impacted by the landfill nor will any threatened or endangered species, or cultural resources be impacted. The nearest part of the landfill will be 145' to the nearest wetland pocket.

## **Cover Soils**

Suitable soils for cover are available on-site.

## **Surface and Groundwaters Requirements**

No waste material shall be placed closer than four feet of the Seasonal High Groundwater. Catawba Valley Engineering and Testing advanced two borings in the landfill and installed to determine the seasonal high ground water table height. Boring #1 (at the lower end of the site) showed the seasonal high ground water table to be at least five feet below the bottom of the fill. Boring #2 (located at the high end of the site) did contain water. The elevation of the Seasonal High Ground water was determined. See the attached report from Catawba Valley.

## **Buffer Requirements**

The facility must be situated no closer than 50' from all surface water and 100' from property lines, residential dwellings, commercial or public buildings and wells. The attached drawing shows the waste footprint and required buffers.

## **Local Government Approvals**

Approval from Catawba requires the property of the landfill be approved under a Special Use Permit. Submittal to support an application must contain the following items. This is from the Catawba County UDO.

### **Sec. 44-654. Landfill - land-clearing and inert debris (LCID).**

- (a) Where the designated area of the landfill is less than 2 acres, a special use permit is required by the County with notification to the state. Where LCID landfills are 2 acres or larger, a special use permit is required by the County and a state permit is required as well. The special use permit must be issued by the County as this must accompany the application to the State.
- (b) The facility may only be used for the purpose of disposal of land-clearing debris, concrete, brick, concrete block, uncontaminated soil, used pavement asphalt, gravel or rock, untreated or unpainted wood, or yard waste. The facility may not be used for the disposal of construction or demolition debris.
- (c) The landfill must be located out of the 100-year floodplain and not in a wetland, as defined by Section 404(b) of the Clean Water Act.
- (d) The landfill must be 100 feet from any property line.
- (e) The landfill must be 100 feet from any residential dwelling or commercial or public building.
- (f) The landfill must be 100 feet from any well.
- (g) The landfill must be 50 feet from all surface waters.
- (h) The landfill must be placed above the seasonal high groundwater table.

- (i) The applicant must furnish a certified soil analysis, prepared by a soil scientist, indicating that the proposed landfill will be located above the seasonal high-water table and if located where proposed, will provide adequate separation from any source of groundwater to protect the groundwater from contamination.
- (j) The facility must be adequately secured by means of gates, chains, berms, or fences.
- (k) A sign, with minimum letter size of 4 inches, must be posted at the entrance stating, "Authorized Persons Only" and "No Trespassing - Keep Out."
- (l) A survey map of the property must be prepared by a registered land surveyor. The survey map must be either 8 ½ inches by 11 inches or 8 ½ inches by 14 inches. The map must show the following:
  - (1) Name of the owner, property lines, north arrow, scale, bearings, and distances taken from the deed.
  - (2) Disposal area delineated which meets all setbacks noted above.
  - (3) Certification and seal of the registered land surveyor or registered engineer.
  - (4) The review officers' certificate to be signed by a County review officer. A memorandum of the land-clearing and inert debris landfill along with an attached survey map delineating the landfill must be recorded at the office of the County register of deeds. After the documents are recorded, a copy must be sent to the County planning office.
- (m) Adequate soil cover must be applied monthly, as inspected by the utilities and engineering department. The final cover must be a minimum of 2 feet of compacted earth properly graded with establishment of suitable vegetative cover.
- (n) The permit shall be issued for not more than 5 years. After the 5 year period, the landfill must be properly closed or another LCID application must be submitted and approved.
- (o) A LCID landfill permit must be obtained from the County.
- (p) The facility must be permitted and operated in accordance with the state solid waste management's rules.
- (q) The applicant must agree to make the facility available for unannounced periodic inspections by County or state officials.
- (r) The facility or practices must not cause or contribute to the taking of any endangered or threatened species of plants, fish or wildlife.
- (s) The facility or practices must not damage or destroy an archaeological or historical site.
- (t) Open burning of solid waste is prohibited.

## **Continued operation of the existing landfill**

Granting of the LCID landfill permit will allow Jerry Smith to continue placing material on the landfill primarily from continued operation of the permitted mining permit on parcel 368701089418 . Use of the landfill will be limited to Smith and selected clients. It is NOT the intent of Smith to operate the landfill as a general commercial LCID landfill whereby the general public could use it unabated.

## **Attachments to this Narrative are:**

1. Overall map showing relative locations to the landfill site and other features to demonstrate that the site is in accordance with the County UDO.
2. A close-up view of the land fill area.
3. The Wetlands and Environmental study report
4. The Report of soils investigation
5. A survey plat of the area contained in the landfill site. (This document will be recorded after approval of the Special Use permit)
6. Application for the Special Use permit
7. Special Use Permit Development Chart