

MINUTES

RANDOLPH COUNTY PLANNING BOARD

MARCH 7, 2013

The Randolph County Planning Board met at 6:00 p.m., on Thursday, March 7, 2013, in the 2nd Floor Meeting Room, Randolph County Historic Courthouse, 145 Worth Street, Asheboro, North Carolina.

1. **Chairman Reid Pell** called to order the Randolph County Planning Board meeting at 6:00 p.m., to consider the following request for a Special Use Permit:

RANDOLPH COUNTY BOARD OF COMMISSIONERS, 725 McDowell Road, Asheboro, North Carolina, are requesting a Special use Permit as required by Randolph County zoning regulations to construct a Regional Landfill, as per the site plans submitted, on approximately 667 acres, Franklinville Township, and more specifically identified on the Special Use Permit Application Number 2013-00000216, as filed on February 5, 2013.

Chairman Pell introduced Hal Johnson, County Planning Director, and Robert Wilhoit, attorney representing the County Planning Board for this process.

2. **Hal Johnson**, Planning Director, called roll of the members: **Reid Pell**, Chairman, present; **Wayne Joyce**, Vice Chairman, present; **Chris McLeod**, present; **Phil Ridge**, present; **Jim Rains**, present; **Larry Brown**, absent; and **Kemp Davis**, present. Also present was **Robert E. Wilhoit**, Attorney, Wilhoit Law, PLLC, representing the Planning Board for these proceedings.
3. **Rains** made the motion, seconded by **McLeod**, to **approve** the Minutes of the February 19, 2013, Randolph County Planning Board meeting. The motion passed unanimously.
4. **Hal Johnson**, Planning Director, read a summary of Special Use Permit procedures designed to emphasize the “quasi-judicial” nature of the hearing.

A Special Use Permit request refers to a situation in which a particular kind of land use is permitted in a zoning district only when the Planning Board issues the permit after making specific findings required by the Zoning Ordinance. The Planning Board may affix appropriate conditions to the Special Use Permit for the protection of and compatibility with neighboring properties and the public interest.

Much like the judge in a courtroom setting, the Planning Board sits as a “quasi-judicial” administrative body in its Special Use Permit review role. The main focus and role of the Board is on gathering relevant evidence and protecting the rights of citizens appearing

before the Board. As a result, North Carolina laws require that the Planning Board follow special rules of testimony and evidence in order to make a required decision to issue or deny a Special Use Permit. All citizens providing information or testimony to the Board must do so under sworn oath. In granting the permit, the Planning Board must find:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Randolph County Growth Management Plan.

~~As part of a presentation at this public hearing it is in the applicants, Board of County Commissioners and the citizens' interest to present specific testimony to support or oppose each of the above findings upon which the Board is required to make.~~

5. **Chairman Reid Pell** reviewed the procedures to be used in the meeting and stated that the applicant, Randolph County, will present its case in full to the Planning Board. This presentation is designed to provide information relevant to the four Findings required by the Planning Board. Then the Board will hear questions for any of these witnesses. There will be a remote microphone furnished by the County Planning Board staff. So, you will be able to ask questions from your seat. After that the Planning Board members will ask questions. After the applicant has completed their testimony and rests their case the Planning Board will provide the opportunity to those in opposition to present their case in full. Each witness is subject to follow-up questions from the attorney representing the Commissioners. Planning Board members will have the opportunity to ask questions of these witnesses. If you plan to address the Board, you will need to print your name and address on the register provided and the County as the applicant will have the opportunity to present rebuttal evidence. Then the County and a spokesman from the opposition will be given opportunity for brief case summaries. Pell added that about halfway through we will allow the opponents to have an opportunity to give testimony.

6. **Swearing in of the Witnesses:**

Chairman Reid Pell administered the following oath:

Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

There were 23 people that took the oath.

Bob Wilhoit, attorney for the Planning Board, explained to have legal standing you are

generally people that have a specific purpose or interest in the case. He said the Chairman will have the discretion to determine standing.

Hal Johnson, Planning Director, announced that this is the first step in a long process to permit a landfill. He said if the Planning Board approves this Special Use Permit request, the County will next go to the NCDENR which also involves many public hearings. He said this is not the end, but the beginning, of a very long process.

7. **Applicant presented its Case.**

Tom Terrell, attorney for the Randolph County Commissioners, said that his law office is in Greensboro, and he was raised on a cattle farm here in Randolph County. He thanked the Board for the opportunity to come before them. He said that there has been much discussion in the community concerning this issue. Most of the discussion has come from people with good intentions. Most people think a landfill is a large hole that is dug in the ground and don't realize the function of these modern facilities. Less than 3/10 of a percent of the property will be open for disposal at any one time. The access roads serving this property are currently only used at 10% capacity and this activity, if permitted, will only increase the traffic to 11% of road capacity. This proposal is not a mega-landfill. Mega-landfills were outlawed in 2007. He asked the Board to look at the science of this operation. He said that the Board of Commissioners must hear this to determine state permitting and franchise hearings. Special Use Permit approval is only a determination that the applicant has met the standards under the zoning ordinances. He explained that the objections placed in the Board's materials were only placed there because they (the applicants) were unaware of how these proceedings would go. He said they are there for legal purposes if this case were to be challenged in Court. He said he felt by providing his objections up front it would prevent him from having to interrupt these proceeds so often.

Jim Rains asked Terrell to give his objections as testimony was given. Rains said that he felt this would be good so the Board would not have to decide what testimony he was objecting to. **Terrell** said that he would be glad to do this for the Board. **Rains** asked Terrell to also hold the conditions that were listed in their packets until that information needed to be given. **Terrell** agreed to do so.

Terrell said that he feels the information that will be given will show that the facility would pose no material danger to public health. He said that there is some danger in everything we do in life. He used the example that everyone here tonight could have tripped coming up the steps, but this was not a reasonable danger. The question is, is this a material danger, not a hypothetical danger. He described this property as the most studied property in Randolph County. He said that the conditions listed are conditions they invite the Board to impose, they realize that the Board can apply more. The County is willing to move mailboxes along Old Cedar Falls Road, at the County's expense, for any resident that makes the request. It has been approved by the Post Office for the County to do so. He said we want to apply the condition of a left turn lane. He said you

will see in the traffic study that this is not a requirement but is recommended. He invited the Board to apply the condition that there will be a 3-layer membrane installed for this modern landfill and not the 1-layer that is required. He heard that there is a group called Blue Ridge Environmental Defense League that plans to address the Board tonight. This is a group that generates as much waste as anyone in here. This is a group that has falsified data to oppose an asphalt plant and uses data on pre-Subtitle D landfills to oppose these modern landfills. He wanted the Board to know that he would object to any testimony from Blue Ridge Environmental Defense League. He introduced Richard Wells, County Manager, and Will Massie, Assistant County Manager/Finance Officer, and explained they would be testifying to the Board on public necessity.

Richard Wells, Randolph County Manager, thanked the Board for their consideration of this request. He said he wanted to clear up a little "house cleaning" first and said that there are hearing devices available for those who may have trouble hearing these proceedings. He said that it is a public necessity to dispose of our solid waste. ~~The 1992 old-style landfills are a thing of the past there are new regulations that are much stricter~~ today. New regulations came into effect in 1997 and since that time additional regulations referred to as new Subtitle D landfills have been passed. Those new additional requirements were passed in 2007. There is not a new Subtitle D landfill in North Carolina, since those regulations were passed. We closed our landfill in 1997, because the new requirements at that time stated we had to build a lined landfill. We could no longer use our unlined landfill. At the time it was too expensive, because we did not generate enough waste to make it cost effective. We currently generate about 300-350 tons per days. We decided to start shipping our waste out of the County to another landfill and we built a transfer station. We are paying \$50 per ton to dispose of our waste. In order for the County to be able to operate a Subtitle D landfill we need 1500 tons per day. We are charged \$50 a ton now to ship our solid waste, and if the modern landfill is built the cost per ton will go down substantially. We will be operating the first public/private partnership landfill. Most modern landfills are sold to a private company and they are in charge. We felt it would be best if the County retained ownership of the property and permit. The County Commissioners would then set all the tipping fees. We are a good candidate for this permit and we have a good track record with NCDENR from our old landfill and we are centrally located. In March 2010 staff presented this idea at a public meeting to the County Commissioners. We have followed transparency concerning this landfill and at each Board meeting there are periods that citizens can address the Commissioners. It is advertised on our website that he or the Public Works Director would speak at functions if requested. We have spoken at 66 different clubs and agencies and all information the County has received has been posted on our website. The Commissioners would not do anything that would cause harm to Randolph County Citizens. We are going to do this right and do this well. People trust the staff of Randolph County Government to see that their wells and septic tanks are installed, buildings, are inspected correctly for their safety. The County staff inspects restaurants for the citizens to insure the safety of our food. Surely if we can see that your food is safe we will also see that your waste is disposed of properly. Due to old technology, a gas station's tank had leaked and polluted the wells of 22 neighboring

homes. The County took care of running lines 6 miles east of Asheboro to protect the public health of our citizens even though it was not our responsibility. The money used for this proposed landfill process came from tipping fees. There is the potential that the County could receive 1 million dollars each year in profit from this landfill. The only tax the Commissioners can control is property taxes, they cannot affect sales taxes. Hopefully this could help with the tax revenues. The current transfer station would be used for only private Randolph County citizens. We are currently charge 50 cents and 1 dollar, and 8 dollars (depending on the volume of waste) and if approved disposal rates for private County citizens would become absolutely free. The convenient sites would also be free to use. He wanted to give one last detail, that if we have a franchise here it would create jobs. Most of these facilities create the need for a trucking company to locate nearby and the landfill operator itself would have to hire 50-100 people to operate this facility. Their average pay is \$55,000 per year and they like to hire local people. He introduced Will Massie, Finance Officer and Assistant County Manager.

~~Will Massie, Randolph County Assistant Manager/Finance Officer, said that the State considers Subtitle D lined landfills a public necessity. Massie said that the NCDENR regulates the permitting and operation of landfills and one of their goals is: **Create and continually maintain 20 years of landfill capacity in the state.** This goal satisfies North Carolina's need to have landfill disposal capacity for waste that cannot be reduced, recycled or composted. Environmental protection, economic growth and public health protection demand the presence of landfills that safely and economically handle solid waste. At present, several regions face potential landfill closings with no assurance that future disposal capacity will be developed.~~

Local governments are responsible for disposal of their waste. Some local governments such as High Point, Davidson County, and Alamance County, contain only their waste and other governments such as Greensboro, Durham, and Chatham choose to ship theirs to regional landfills. All of these regional facilities will not stay open forever. The absence of a convenient landfill will increase the costs of disposal for our citizens. These facilities are highly regulated. New Senate rules took effect in 2007 and the Sierra Club stated that the bill was "a major environmental victory." Since that time no new landfill sites have been permitted. Randolph County's would be the first under these new rules. He said this process is very expensive. Currently this process has been financed through tipping fees only, not County property taxes. When our existing contract expires in 2015, we can expect a higher cost since we do not produce the volume to get competitive pricing. This option is an expensive solution for our citizens. Operating our own facility would give us better control over rising cost and if we have a county landfill the citizens will not have to pay to operate the transfer station and should save money, possibly a million dollars. The County doesn't generate enough waste to operate a modern "county only" landfill. He explained to make it economically feasible it would require it to be regional facility. A regional landfill is being discussed as a solution to return monies to us instead of us paying to have our waste transported elsewhere. Transportation cost has affected everyone. We are centrally located and you need volume to make it affordable. Our consultant's study indicates that we can run an efficient landfill with 1500 tons of

waste per day, from customers in the Piedmont. Many trucks run through Randolph County everyday to other facilities. In addition to saving citizen's money, we can generate fees to outside customers that would generate resources for the County's General Fund. These revenues and expenses will be reported in a separate fund. Once at full operational capacity, excess funds could be moved to the general fund. The School Boards are planning next month to update the Commissioners on their needs of over 200 million dollars in revenues, maintenance and new construction of facilities. Counties are statutorily required to provide this service. There is a strong financial benefit for this landfill service. All total 53% of our budget is funding County services and just 5 years ago it was 44%. Each year more demands are placed on property taxes to fund essential County services. With high unemployment in the County, senior tax payers, small business, and everyone would like to see lower tax rates. We are project a 2 million dollar profit within 3 to 5 years after the landfill starts and this would be the equivalent of 2 cent on our tax rate. The County will also receive a large advance up front from the operating partner, which could be in the millions. The landfill will create methane gas and this is green energy that could be sold to a power company, provide gas as economic development incentives to green companies, or release the gas to our operating partner in order to lower our overall operating cost. We would expect some economic development if the landfill is constructed. The Economic Development Corporation (EDC) adopted a resolution in support of the proposed regional landfill and recognized its potential impact on the local economy. We propose public/private partnership in hopes to give the citizens comfort that the environment will be protected. Over the life of the facility it will cost over 150 million dollars for the infrastructure, site construction and equipment. We don't have the money nor do we want to borrow it. This investment is needed by a business partner that will pay the upfront cost. Landfill operators realize they are required to set aside funds for closure and post-closure costs. These expenses include permanent cover, maintaining site after closed and monitor for many years after closure. This is expensive and will be borne by our partner. It is difficult and expensive to evaluate sites and prepare environmental, cultural and engineering studies, and the Commissioners have supported the evaluation phase of this process by funds earned from the former landfill. We have a responsibility to use both public lands and funds responsibly. We believe this is a smart investment for Randolph County and will pay great dividends to our citizens. If the Commissioners move forward with this process, we will spend \$880,000 for additional lands. We have tried to anticipate public concerns and have planned the facility with the least impact on adjoining properties as possible. The County has held a Neighborhood Information Meeting and a Commissioners' Public Information Session, and has tried to respond to issues that came from these meetings. The County Commissioners have a difficult job, and will make a decision that will be in the best interest of the citizens of Randolph County.

McLeod asked Wells if he had all ready talked with companies or a particular company about becoming our partner. **Wells** said we've had inquiries from 4 or 5 companies, but we will put it out for bids to determine the best candidate.

Davis asked Massie to explain the financial obligations this has or will have on the

County Commissioners. Massie said the County has already funded most of the studies needed to file for permits with the North Carolina Department of Environment and Natural Resources (NCDENR). Massie said we expect to get funds up front from our partner. Massie said that our primary financial obligation is the land.

Rains asked how long it would take for the County to get to the "break even" point. **Massie** said that it would take approximately 5 years after their partner's investment for the modern landfill to reach a "break even" point. Massie said that we want a partner that would fund the money up front. Massie said that for us it will be earlier than that. Massie said that we will begin to recover our investment as soon as we get a partner. Massie said they will pay the County up front and within a year or so we should recoup our investment.

Rains asked how would we build the customer base and **Massie** said it is a market place thing. Massie explained that when Montgomery County Landfill closes there will be the potential to acquire other Piedmont partners. **Rains** asked **Massie** if he was comfortable that there is a market and **Massie** answered yes.

McLeod asked if tonnage would be guaranteed and **Massie** explained that the permit would dictate the volume of solid waste the landfill could accept. Massie explained that their operating partner would market for customers. Massie said this would not be a problem once we become the closest facility.

Rains asked if the County would have staff in the scale houses. **Massie** said we will have a couple of employees in the scale houses, but most of those operating the landfill will be employees of our partner.

Chairman Pell said at this time the Board will provide the opportunity for citizens in attendance to ask questions of Wells or Massie.

Stephen Schmidly, Berkley Lane, Asheboro, asked Massie if we could expect 1500 tons from the Piedmont, North Carolina. **Massie** said that is correct. **Schmidly** asked if he had looked at contracts to see from other local governments to see when they expire. **Wells** answered yes that several will expire in 2015. **Schmidly** asked Wells if he had a time line of when the landfill would be operational and **Wells** answered the construction process would begin once the permits were obtained but tentatively 2015.

William Dula, 1320 Randolph Tabernacle Road, Asheboro, asked why the landfill is needed. Dula said we know that in the last year the amount of trash has dropped off and it does so every year. Dula said if we are shipping 300 tons per day at a cost of 1 million and the current landfill makes 2.1 million, it sounds like we are making money. Dula said if the County is making money off the current tipping fees why would we need a regional landfill. **Massie** said the County is currently breaking even. Massie explained that the 2.1 million is the cost to operate the transfer station, shipping costs, off-site convenient sites, and the recycling program. **Wells** said that this is costing our citizens,

and those costs could be significantly reduced. **Dula** said that methane gas is not the only thing produced in these landfills. **Dula** said methane gas only makes up 40-45% of what is being produced and more of it is mercury released in the air.

Lynn Lancaster, Asheboro, said there are different skill sets for business and government. **Lancaster** asked what qualifies Randolph County to operate a business. **Wells** said that is one of the reasons why Randolph County will have a franchise partner. **Wells** said we are asking for the Special Use Permit to be issued to the County so that the County Commissioners will be in charge of the landfill and not a private company. **Lancaster** asked how long this landfill would obligate the County to fund testing. **Wells** said just like the landfill the County closed in 1997, the County will be responsible for it forever. **Wells** said we currently have test wells that we monitor now. **Lancaster** said that the detractor of the landfill is that there is technology that shows in 10-15 years down the road we will not need the landfill. **Lancaster** asked what happens if we cannot operate the landfill to the capacity need. **Wells** said it will be closed, capped and maintained forever. ~~**Lancaster** asked what happens if there is not enough money to pay~~ to close the land. **Wells** said those are costs that would be worked out through our contract with our partnership.

Pam Cooper, 618 Libra Place, Randleman, said that you are talking about all this trash coming in and it concerns her of what this will do to Randolph County's image. **Cooper** said that we will be known as a dump. **Cooper** said our children will be teased when traveling to our of County school events such as ball games, etc. **Cooper** said you say it will only increase the traffic by 1%, but there are serious dangers with this many tractor-trailers. **Cooper** asked how much will the partner earn, and **Wells** said it is a little early to predict, but it will probably be a 50/50 split.

Janet Pate, 3931 Hillsdale park Drive, said that there are large power lines that will need to be moved if this is constructed. **Pate** said that she works for the power company and said it is will be costly to relocate those power lines. **Pate** asked who picks up the cost of moving these power lines. **Wells** said that it will be at least 10 years before the power lines will be affected. **Wells** said that there has been talk that there will be "green points" generated by the landfill. **Wells** said the cost will be incurred by the partner or "green points" generated from the sale of methane gas to the power companies. **Pate** asked **Wells** to name one business that a government has operated in North Carolina. **Wells** answered that there are many governments that operate their own landfill and regional landfills. **Wells** said that there are some that operate their own utilities and cable companies. **Pate** asked if they made money, and **Wells** said he didn't know. **Pate** said that it has taken away from the taxpayer in those cases were government has tried to get into business.

Carrie Coble, 716 Dunbar Street, Asheboro, asked the distances to the homes from the proposed landfill. **McLeod** asked what is the closest home to the proposed site. **Terrell** said that the environmental engineers and Planning Director Hal Johnson will answer this question later in the presentation. **Coble** asked if there has been a study on the effect this

will have on the wells in this area. **Chairman Pell** said that there are several people that will give testimony and they could probably answer those questions. **Coble** thanked the Chairman and asked if there have been studies on spontaneous combustion. **Wells** said that he would need to defer this to their geologist. **Terrell** said many of those types of questions will be answered later in the presentation.

Perry Connor, 216 West Main Street, Franklinville, thanked the County for their efforts to try to keep taxes down. Connor asked what negative consequences would the County incur. **Wells** said that there will be more traffic on those roads. Wells said that the traffic engineer will present that information in more detail in his presentation. Wells said that real estate property values will not be affected, and there will be 300 ft of trees/natural buffers around the entire facility. Wells said we have talked to many people that adjoin these type facilities and they have told us that they only know it is there because of the construction activity when it was built. Wells stated that we have found that the positives outweigh any negatives.

Debra Craven Cox, 1145 James Ray Drive, Randleman, asked if they had done a study to question the folks that would most directly affect. Wells answered that the Planning Department contacted everyone within 2000 ft of the proposed facility and invited them to a Neighborhood Information Meeting. Wells said there was a public information meeting in front of the County Commissioners and 2 weeks ago we had a special meeting with the County Board of Health. Wells said that all of these hearings have been advertised. Wells said we've made an effort to notify the community. **Cox** said you are not addressing the effect this will have on our quality of life. Cox said our lives will be forever changed. **Wells** said that the first regional landfill was built in Cabarrus County. Wells said in the area of the Charlotte Motor Speedway Landfill we have seen very nice neighborhoods build next to this type of facility and other facilities across the state. Wells said most people have these fears in the planning stage. Wells said we have pictures of these areas. Wells said that people would not build elementary schools in those areas if it was not safe.

Terrell asked Wells if out-of- county waste comes through Randolph County today. **Wells** answered that all of Greensboro's, Asheboro's, Archdale's, and other local government's waste goes through Randolph County each and every day on our roads.

Terrell said that this portion of the program is to address the science and engineering of this process. He said that the County hired Golder & Associates. Someone in the audience asked if they would be the company to get the contract to operate this landfill. Terrell answered that Golder & Associates would not be eligible to operate this landfill. He introduced Rachel Kirkman, Charles Hiner, and Ron DiFrancesco from Golder & Associates. He said that Rachel Kirkman is a licensed geologist with 15 years of experience primarily in landfill studies. He said Ron DiFrancesco is a professional engineer with 20 years experience with a emphasis of design and construction of solid waste facilities. He also introduced Charles Hiner, and said Hiner is a Professional Engineer with 25 years experience with design and engineering of landfill facilities.

Rachel Kirkman said that every person in this room generates on average approximately 1 ton of solid waste per year. It is their opinion that this proposed Subtitle D Landfill will not materially endanger public health. She provided information on Subtitle D regulations and explained how landfills are regulated. Landfills are specially designed, constructed, closed, and monitored related to public health. We will provide site specific information also. She said landfills are regulated by NCDENR. Various reports are required to be provided to NCDENR to demonstrate compliance with permitting such as environmental impact study, site suitability report, design hydro geologic report, facility plan, and the application for a permit to construct. The landfills of today are very different from the landfills of the past, from the facility components to the checks and balances. She presented a schematic of proposed landfill. She explained how leachate is handled, stored in tanks, and removed and disposed of from the property. She explained how stormwater protection is handled, how wells and groundwater are tested, and also gas collection. This facility will exceed the regulatory requirements with a double-bottom liner system and additional buffers. The regulatory over-sight includes NCDENR, Army Corp of Engineers, EPA, and FAA. In 2007 there was legislative reform (House bill 1492) , supported by the Sierra Club, solid waste permitting reform with more stringent financial assurance requirements, penalties for improper disposal activities, environmental impact studies, increased buffers, caps landfill volume and height, contaminated site clean-up requirements, etc. She presented pictures of landfill construction, with grading, liners, leachate collection, etc. She said environmental monitoring is overseen by NCDENR. In order to protect groundwater, there are leak detection zones in the liner system and also monitoring wells. Surface waters such as Deep River and other perennial streams are monitored twice a year. Stormwater protection programs are permitted through NCDENR and also monitoring of landfill gas collection and control. NCDENR requires several wells for the monitoring process, also drilling for soil and rock samples, aquifer testing, analysis, and modeling/flow paths for site characterization. She presented landfill closure pictures. NCDENR requires an approved closure plan designed to protect human health and the environment. NCDENR also requires a final cover system with reporting and over-sight. There is a minimum post-closure monitoring of 30 years required by NCDENR. They required facility inspection, reporting, record keeping and beneficial post-closure re-use. The waste disposal potential would be only 200 acres of the 667 acres site.

Ron DiFrancesco, said that landfill operations is a highly regulated activity, with the State requiring plans to protect human health and environment. There are licensed people required to operate landfills. This proposed landfill is for household waste only, and would not allow hazardous or medical waste. The operation plans must have means to dispose, compact, and cover waste every day. The total property is 670 acres and the footprint of the proposed landfill is 200 acres with the open operational areas of only 1 to 2 acres at any time. The plan addresses the control of litter, odor, animal, dust. There will be screens to collect litter from blowing into the buffers or leaving the property. He defined noise as measured sound and explained that the sound generated from modern landfills is no greater than that of a tractor on a farm at the same distance. Water trucks

are used daily to keep roads from generating dust. Landfill operations can attract sea gulls, but the further you are from the coast the fewer seagulls you have. Proper operation will minimize this problem and the birds migrate back to the coast seasonally. State Inspectors visit these sites several times a year. Unauthorized waste programs are used to prevent pathogens, hazardous, and other unacceptable waste. Waste is inspected at the scale house, and a second time by a spotter as the load is being deposited. If unauthorized waste arrives at the landfill, it is segregated and loaded for proper removal. The State has penalties for violators. He described unauthorized waste as cleaners, paints, oils, antifreeze, medical waste, industrial waste, batteries, electronics, etc. They are all banned along with some recyclable products such as yard waste, aluminum cans, scrap tires, oyster shells, wooden pallets, etc. Those items are ban to promote recycling. The human health concerns for airborne organisms are primarily bacteria and fungi. The number one activity for generating bacteria is handling moldy hay on a farm. This, along with grain harvesting, generate more than a Subtitle D landfill. The study compared fungi from the same industries and determined that handling moldy hay was 100 times ~~greater a threat to human health than that at a MSW landfill.~~ He described landfill gas composition as made up primarily of methane at 45-58%, carbon dioxide at 32-45%, nitrogen at 0 to 3%, and mercury is a smaller percentage. In a Mercury study report to Congress, it was reported that the #1 source of emissions of mercury was fossil fuels and landfills represented less than .1% of the total mercury emissions. At the time of that report there were 4000 landfills and today there are less than 2000 landfills. There would be more mercury exposure from a broken fluorescent light bulb in this room than the concentration in landfill gas of this proposed landfill. Mercury vapor content and exposure is much less in landfill gas than worker exposure standards in the US. Occupational health and safety standards are not prescribed requirements for landfill workers as one may think. Instead they are recommended to protect themselves like most construction sites, with safety glasses, gloves, hard hats, safety vest, steel toe boots, and dust masks.

Kirkman said the proposed facility layout waste area would be approximately 200 acres and the proposed final grades will be approximately 110 ft above highest natural grade with a design capacity of 48 million cubic yards. The landfill life space should be greater than 30 years of airspace at the desired tonnage of 1500 tons per day being hauled in by an estimated 100 trucks per day. The buffers would be 300 ft or greater around the entire facility and the new commercial entrance would be located on Old Cedar Falls Road between Foxworth Road and Training Center Drive. The County owns much of the adjoining lands and this would provide even more buffers. The entrance road has not been designed at this time. She presented an aerial map with the proposed site plan and stated that as you can see the existing power lines would not be affected for decades. There is much land available for recreational plans, etc. She presented topography map with proposed site plan and stated that the County plans to protect rare plant species living on the site. There are many test wells indicated on this map. She presented proposed a closure plan layout and cross section graphs of the facility layout. She presented a typical details graph for landfill basins, wells, risers, buffers, and probes.

DiFrancesco presented a graph of the liner details and stated that State and Federal regulations only require 1 geomembrane in a landfill and this proposed facility will have 3. The bottom layer would be to protect the environment and the top layer for protection after closure. He presented samples of the type of liners that would be installed and said these liners are made of high-density polyethylene. He described this material as the same used for the production of plastic bottles, piping, and plastic lumber and presented a comparison of its thickness to commonly known items such as, garbage bags, copy paper, milk jugs, etc. These liners are 4 times the thickness of a milk jug and 3 will be installed. These materials go through strict testing from the manufacturers and they are certified by the manufacturers. When the materials are delivered to the construction site they are then certified by an engineering testing firm. Samples are taken and tested at that time. A third testing is performed during the installation of the material in the landfill and this is what is called field testing. Air pressure and vacuum testing are also performed. The liner has an approximate half-life of 449 years. He presented an aging timing scale to explain the aging process. The rate of leachate generation is primarily dependent on the ~~volume of waste in place and the length of time the waste mass is exposed to~~ precipitation prior to placement of the final cover system. Leachate generation and seepage rates are predicted using the EPA's landfill performance computer program model and leachate peaks in landfills when there is only ten feet of waste in the landfill. As you place more waste, the waste acts as a sponge and leachate is released over time. At peak leachate generation rates the predicted seepage rate is 2/100,000th. There is another liner under that where seepage, if it occurs, is collected. Landfill gas generation is also primarily dependent on the volume of waste in place and its moisture content. Production rates are similar to that of leachate, lagging slightly and peaking shortly after closure. It generates after closure and is a renewable energy resource. It can be used to fuel engines directly on-site, heat maintenance buildings, and produce electricity. This site is within 1 mile of an electric sub-station. It can be refined as a fuel and piped to a user. There are many uses for landfill gas. Landfill gas is collected through a vacuum system and is regulated through state and federal agencies. Regulations state it cannot be allowed to uncontrollably escape into the atmosphere. You must install a vertical piping system with horizontal collectors, which is called a landfill gas collection system. There are many partnerships for changing landfill gas to energy. For example DTE Biomass Energy, Toro Energy, Ingenco Ameresco GE Energy, Cambrian Energy, Methane Power, and many more.

Kirkman listed the following activities they have completed as follows: alternate site evaluation, fatal flaw studies, site suitability studies, phase 1 cultural resources survey, phase 2 cultural resources survey, rare plant survey, wetland and perennial stream delineation, market study, and a financial analysis study. They evaluated 16 sites for size; land use; proximity to schools, recreational areas, state and city parks; transportation infrastructure; topography; environmental features such as streams, wetlands, and floodplains; and surrounding land uses. It was their determination that the existing landfill property was most suitable for new landfill development. Socio-demographic data review does not indicate that continued operation of a landfill at the existing landfill property would negatively impact the area. She presented a map of sites that were

evaluated. She reviewed the following activities in progress as: drilling/survey completed, aquifer testing, bedrock mapping, water level gauging, facility planning, environmental impact study, site suitability report, facility plan and design hydro geologic report, application for the permit and construction, and regulatory meetings and public hearings. She stated that there would be up to 6 additional public meetings/hearings if this Special Use Permit is approved.

Chairman Pell called recess of the meeting at 8:40 p.m.

Chairman Pell restarted the meeting at 8:58 p.m.

Chairman Pell asked Terrell if he had questions for the witnesses and Terrell answered no.

Chairman Pell asked the Planning Board if they had any questions for the witnesses.

Rains questioned what the elevation of the landfill would be at closure. **Rains** said the topography is proposed to be 110 ft above highest grade, so it would seem that one side would be at 350 ft above grade, at deep river. **Hiner** answered that is correct. **Rains** expressed concern of "transfer noise" on site, such as back up bells on trucks. **Rains** asked the engineers to describe how this noise would be heard or sound in the distance. **DiFrancesco** said that normally a landfill, as it fills, fills from the outside in and as it gets higher the outside works as a buffer with an exterior berm. **DiFrancesco** said the proposed layout is designed to try to move sound inward to the landfill rather than the perimeter.

Rains asked why the landfill site is proposed closer to Deep River, a cultural heritage site in Randolph County, instead of to the west side of the property. **Hiner** said they tried to stay away from that side due to elevation. **Kirkman** added that there are also rare plants located on rocky slopes.

Rains said with groundwater moving so slow, as the report has stated, what affect will this have on Deep River as the river is project to be within the 300 ft buffer. **Kirkman** said that the monitoring wells and stormwater features are designed to detect and problems, prior to it reaching Deep River. These monitoring systems make it possible to correct any problem before it reaches the river.

Rains said it seems like a low number of borings in this area (near the river). **Kirkman** said that typically it is easier to predict groundwater flow close to surface water such as Deep River.

Rains said that at the center of the site there appears to be a stream or wetland, would there be a stream closure as the landfill expands. **Hiner** answered that there will, it will be filled and taken out. **Rains** asked if this process would react to the liner, would water be an issue. **Hiner** said that it will be studied at greater detail at a later date, but typically

we would prepare for this and it would be designed similar to a French drain system.

Rains asked if soil would be imported to cap or facilitate the daily operations. **Hiner** said the soil would be imported. **Kirkman** said in some cases an approved alternate daily coverage other than soil may be used. **Rains** asked will this be a piece of the agreement with our operator to be responsible for the cost of this process. **DiFrancesco** answered that is correct.

Rains said that the book that was given has 5 layers. **DiFrancesco** said each layer is used and described one as working much like a french drain system.

Joyce said that at Holly Springs Landfill in Wake County, you mentioned sea gulls and alternative method to disperse the birds. **Joyce** asked if these methods would be used here, because they are not used there. **Kirkman** said that there are several bird deterrents that can be used. **DiFrancesco** said that they would recommend that in the operating agreement to require the operator to maintain this control.

Terrell said that **Richard Wells** has just stated that the County would invite the condition of a bird deterrent requirement.

Rains asked if the age calculation of the material is calculated due to the temperature of the liner. **DiFrancesco** said that this varies and temperature changes at different times in the process.

Chairman Pell said at this time the Board will provide the opportunity for any citizens to ask questions of the witnesses.

Janet Johnson, 2682 Millboro Road, Franklinville, asked to what degree is the County willing to impose eminent domain. **Chairman Pell** said that would not be a question for these witnesses. **Johnson** asked **Rains** if he would feel comfortable having his boys camp on a landfill site. **Terrell** said that it is the job of this Planning Board meeting to act as a "quasi-judicial" proceeding and he didn't feel that question was appropriate. **Johnson** withdrew her question. **Rains** told her that he would answer that question after hearing all the testimony.

Pauline Urban, 263 Loflin Pond Road, Asheboro, asked if there are any studies on how the noise to chase the birds away would effect adjoining properties. **DiFrancesco** said that research could be done, and is normally provided by the manufacturer of these devices, but other types of instruments could be used. **Urban** asked if they have been successful. **DiFrancesco** said in his opinion yes.

Lynn Lancaster, 1814 Coxemoor, Asheboro, asked how many liners would be used. **Lancaster** said that we've been told 3, but in this presentation we've been told 2. **Hiner** said that there are 2 liners with 3 geomembranes. **Hiner** described the system as having a primary and secondary liner. **Lancaster** asked if we would have leakage or not. **Hiner**

said everything leaks even mason jars. Hiner described the seepage as a minimal with approximately 2 cups in an Olympic size pool. **DiFrancesco** said that is why there is another liner, so if there is any seepage it will be captured and disposed of properly. **Lancaster** said that we have been told that we will test forever, and then told we will test for 30 years. Lancaster asked which it would be. **Terrell** said that Wells' comment was that the County would be responsible for it forever, not that it would be tested forever, and the engineers said that there would be a minimum post-closure monitoring period of 30 years. **Kirkman** said many studies shows that it is much more than 30 years because you must show that there are no impacts to the environment for a set period of time. **Lancaster** said that he asked Wells the period of time that it would be monitored. Lancaster asked if he had gotten an answer. **DiFrancesco** said that would depend on if there is still leachate, if it's still producing gas, these factors and others come into the decision of when the monitoring can stop. **DiFrancesco** said there are no Subtitle D landfills that have reach 30 years of age. **DiFrancesco** said that there is a difference in being responsible for a landfill and monitoring it. **Lancaster** asked if there is technology that would eliminate the need for a landfill before 30 years is reach. **DiFrancesco** said that there are other technologies such as large scale composting, high temperature incinerators, but the primary reason we use landfills is it is less expensive. **DiFrancesco** said yes in Europe they don't have the land to dispose of their waste and must go to more expensive measures. **Hiner** said there would still be the need for landfills, it would just be less waste.

Jan McPherson, 2100 Henley Country Road, Randleman, said as a nurse she is concerned with testing only once every six months. McPherson said that someone in the County should be testing once a month because she trusts the County to protect human health. **Kirkman** said that the testing is done and certified by private environmental professionals. **DiFrancesco** said the tests are thorough and due to the flow rates of groundwater less testing could be required but the County has agreed to semi-annual. **DiFrancesco** said some testing is on more frequent bases, such as storm water, methane gas, etc. **Rains** said there is nothing that says you can't test more often. **Kirkman** said that it could be sooner, but no other facility in the state tests more frequently and the groundwater moves 100 times faster in some of those cases. **McPherson** said that they have road debris/trash problems and some kind of service should be provided to handle this problem. McPherson said they have feral pigs all over the landfill and what will be done for this problem. McPherson said that she would like someone on this Board to build a \$500,000 home in this area and live with this landfill.

Edith Briles, 1870 Old Mill Road, Asheboro, said that even the best quality liners can be expected to leak at 20-gallons per day per acre because of tiny holes in the manufacturing process and the construction process on-site. Briles said that she read an article that some of these liners fail in only 2 years of time. Briles said that the liners are often breached during the construction process. Briles asked if they are compacted into cells. **DiFrancesco** said that they are segmented into what is called a cell within a cell.

Virginia York Halverson, 1908 Leonard York Drive, Randleman, asked the engineers if

they determined that clay was the primary soil in the area. **Kirkman** said that the site is clay poor, that soils are more silty and sandy based on the types of rock mainly on the site. **Halverson** asked about the quality of the line and question the statistics of the amount of seepage we could expect. Halverson read from an article concerning leachate seepage amounts and its affect to public health. **DiFrancesco** said that they refer to standards from the EPA referencing liner seepage. **DiFrancesco** said that it must be determined how many liners are used in a facility and how long it has been installed. **Halverson** said it could vary greatly depending on the liner. **DiFrancesco** said that is not this liner system.

William Henley, Old Cedar Falls Road, said that if you are importing clay, then leachate could be trucked out without anyone knowing. **Henley** asked if these trucks entering with off-site dirt were included in the 200 truck trips per day. **DiFrancesco** said that would be a question for the traffic engineer, but leachate that is collected must also be trucked out. **Kirkman** said that there is sufficient area for on-site soils storage that would minimize truck traffic. ~~**DiFrancesco** said that the materials that would be stockpiled on-site.~~ **Henley** said that he would save his questions until later.

Don Bristow, 1517 Lake Country Drive, Asheboro, asked if the leachate would be drained and taken to the sewer treatment plant. Bristow said that he was told by a Commissioner that the leachate is cleaner than well water. **DiFrancesco** said that the leachate is a waste-water and must be disposed of at that time. **Kirkman** said that she was present when that Commissioner made that statement and her recollection of the statement was that it was more harmful for the proximity of a septic tank to a well versus a well on a property that adjoins a landfill. **Bristow** asked how long it takes to produce methane. **DiFrancesco** said approximately 5 years. **Bristow** asked how much refinement is required in the process. **DiFrancesco** said that it depends on the use, that there is a little bit of refinery for electricity and less refinement for fuels. **Bristow** said he is opposed to having a garbage dump in Randolph County.

Chairman Pell said that he was going to do something different from their normal procedures because he felt that many citizens that were at the meeting would not be able to attend the meeting extended on Friday. Pell gave the opposition time to address the Board. Pell asked that anyone that would not be able to attend the meeting on Friday (during the day) that would like to address the Board, to please come forward and sign the register and he would give them time to speak.

While the Board was giving citizens an opportunity to sign the register, **Rains** asked the engineers to calculate the number of gallons of leachate that would be produced in 31 ½ acres per year. He told them he realized this would take some time, but he asked that they do that and bring it back to the Board.

Hope Moody, 3368 Carl Allred Road, Franklinville, asked Terrell if he had ever represented anyone opposed to a landfill. **Terrell** answered yes but it was not the science that they were opposed to it was the fact that the site was next to a bird sanctuary.

Moody asked the Board to vote against this request. **Moody** said that the traffic study didn't mention most of the school buses that travel on this road and that it doesn't even mention the Asheboro City School buses that travel this road. **Moody** presented pictures of buses taken in the last week and named 10 buses that travel these roads. **Moody** said that the trucks will have an effect on our traffic safety. **Moody** said if this small area of a study is incorrect, how could the Board be sure that the studies they have been presented are accurate at all. **Terrell** asked if she would quote a study that buses and trucks cannot share the same road. **Moody** said that her issue is that this was wrong in the study and what else is wrong. **Terrell** said that when she was asked to cite any study she could not. **Moody** said that these trucks will go by Asheboro High School and Ramseur School and there are more schools within a mile of these routes, such as Randleman, Southeast Middle, and Eastern Randolph.

Janet Pate, 4983 Hillside Park Drive, Trinity, said that she lives in Randolph County because of the country and all the riff-raff like big business, coliseums, etc. She said we ~~live here for the simple life. She said that we are opening ourselves up to the type of fast~~ pace living like Greensboro. She said that government can't run things efficiently. She said we are turning this into a disaster county.

Teresa Vick, 4617 Pearl Road, Raleigh, said she is a representative from Blue Ridge Environmental Defense League and was invited here by Randolph County citizens. **Chairman Pell** told **Vick** that she is not a Randolph County citizen but the Board will allow her 3 minutes to speak. **Vick** explained that Blue Ridge Environmental Defense League is a grassroots organization. She asked the board to extend this case until their next regular meeting. **Vick** told the Board that the community here has been living with a landfill that is closed and has been cited on for public health violations by NCDENR. **Vick** said she has served on the Warren County Board. She told the Board that according to Randolph County population statistics 36% of the residents living within 2 miles of this site are minority and 24% are living below the poverty level. **Terrell** said that all of these comments have nothing to do with the issue before this Board tonight.

Lynn Lancaster, Asheboro, said that the Commissioners don't always get it right. He said that the Commissioners were told that this could potentially make 1 to 2 million dollars and all the Commissioners could see from that point was dollar signs. He said that he felt more "homework" needed to be done before any decisions were made. He said that engineers did a good job but he asked the Commissioners to consider alternates to a landfill. **Lancaster** said that he felt there was a 50/50 chance that this landfill wouldn't be need for its projected life span of 30 years.

Debra Craven Cox, 1145 James Ray Drive, Randleman, said that they own 48 acres across Deep River from this site. She said much of the testimony concerned her especially the noise that will be created. She also expressed concern with the traffic study. She said that she was at the Neighborhood Information Meeting, the County Commissioners' Meeting, as well as tonight. She said that traffic study was made after the NIM and at the time it was made there was no appreciable farm traffic. She said that

sometimes you get skewed results and perception is a big part of anything. She said that it doesn't matter how much you clean it up, a dump is a dump and it will affect our property values. She said that if it fails it will be an albatross for the County. She asked the Board if it does fail do they want to go down in history as the Board that approved it. **Terrell** asked **Cox** if she had been at the landfill at Charlotte Motor Speedway. **Cox** said she had been by there. **Terrell** asked her if she had seen the landfill sign on the speedway sign. **Cox** answered no. **Rains** asked **Cox** where her property was on the photo. **Cox** pointed to property on the northeast side of the landfill that adjoins the landfill across the river.

8. **Chairman Pell recessed the meeting at 10:25 p.m. and stated the meeting would resume at 9:30 a.m. Friday morning.**
 9. **Chairman Pell opened the meeting at 9:30 a.m. and asked for a roll call of the Board members. *The meeting was held in the 2nd Floor Meeting Room, in the Randolph County Historic Courthouse, at 145 Worth Street, Asheboro, North Carolina.***
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10. **Hal Johnson**, Planning Director, called roll of the members: **Reid Pell**, Chairman, present; **Wayne Joyce**, Vice Chairman, present; **Chris McLeod**, present; **Phil Ridge**, present; **Jim Rains**, present; **Larry Brown**, absent; and **Kemp Davis**, present. Also present was **Bob Wilhoit**, Attorney, representing the Planning Board for these proceedings.

11. **Swearing in of the Witnesses:**

Chairman Reid Pell administered the following oath:

Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

There were 20 people that took the oath.

12. **Chairman Pell** announced that today the Board would switch back to the applicant to continue their case. Pell recognized the Board allowed those concerned citizens that could not be here today, to speak last night.
13. **Terrell** asked that the notebook provided to the Board by the applicant be considered Exhibit A, the notebook with samples of geomembrane layers be considered Exhibit B and the piece of geomembrane with numbered markings on it to be considered Exhibit C.

DiFrancesco told **Rains** that in response to his question yesterday with regard to average seepage rates they did some calculations for him. A 10-acre cell with 10 ft. of waste produces 10,000 gallons per day. A 10-acre cell with 150 ft. of waste produces 1,000 gallons per day. He said yesterday there was concern of leachate being hauled out and he wanted the Board to know that a pump station could be installed on-site that would

eliminate that traffic concern. He said that the liner system would capture 99.96% of all seepage. He added that the remaining .04% is the equivalent of 1/3 of an ounce per 10-acres that may not be captured. **Rains** thanked him for the information.

Terrell said we will move on to the issue of public safety with the two presenters, Terry Snow and Will Letchworth.

Terry Snow, Vice President of CDM Smith, Glenwood Avenue, Raleigh, said that he is a registered engineer with 24 years of experience and has performed over 500 traffic studies. Snow gave a brief history of his company and stated that they are ranked 19th in the top 100 companies in the nation. He said that traffic study assesses the effects that a particular development's traffic will have on the transportation network in the community where it is located. This study was completed using site investigations, data collection, database research, and analysis using nationally accepted standards.

~~**Will Letchworth**, CDM Smith, Glenwood Avenue, Raleigh, said that he is a registered engineer and has performed over 100 transportation impact analyses, has extensive experience in landfills, quarries, and distribution facilities. All development has some level of traffic impact; however, trucks co-exist on the roadways with other vehicles everywhere. This transportation impact analysis is based on data, site visits, and nationally accepted road design and safety criteria. He said in conclusion it is our professional opinion that the additional traffic generated by the proposed landfill will not materially endanger public safety. He presented pictures of the type of trucks that will access this facility. There are two types of traffic here, residential and commercial and there will be two separate entrances, one for each type. The roadways to the old access all ready have some trucks currently using them, and that traffic will move to the new access on Old Cedar Falls Road. The old access will only be used for residential traffic. He said there will be approximately 100 trucks per day over a 9 hour period entering the new access. There will be some additional trucks to bring dirt in (for the operation) or possibly remove leachate from the site. He said the trucks added to the roadways accessing this facility will only increase the capacity by 1% on Old Cedar Falls Road and 2% to Henley Country Road. He described these roads as typical rural roadways. These two roads were their primary concern, but they did look at Hwy 64. These roads currently operate well under capacity with Henley Country Road at 11% capacity and Old Cedar Falls Road at 2% capacity. The new access point will be on Old Cedar Falls Road. He said that they do recommend (but it's not required) the construction of a left turn lane into the site. This turn lane would allow for more separation between trucks, and the pavement to be reconstructed to handle the commercial trucks. The County has agreed to do this. Truck frequency (at 100 trucks per day) will be 11 trucks per hour which calculates to 1 truck every 3 minutes. These 100 trucks will constitute 200 trips on the roads. This is equivalent to the same number of vehicles as generated by a 25-lot residential subdivision. There is sufficient time for individuals to cross the roadway. The average person walks 4 ft. per second and there will be sufficient time between these vehicles. The County has volunteered to relocate mailboxes, if requested by the property owner, and this will not change anyone's address. This is not necessary but it would be a~~

good idea. There will be no impact to the bridge infrastructure in this area. The bridges are new and designed to handle commercial traffic. They reviewed data provided by the DOT for the past 3 years concerning vehicle accidents. They analyzed segments of each road and the intersections, and found very few accidents were of a type or occurred at a time that would be affected by the facility. They are recommending a decrease in the speed limit on Henley Country Road to 45 mph, but this would need DOT approval. He said the accidents that have occurred along these roads were either animals in the roadway or alcohol related that were after the hours of operation for this facility. We contacted the County School System and got their bus routes and they will not be affected. We were told last night that City School buses routes here also, but the County routes do not overlap the truck routes. They did look at the City School District routes last night and they now know there are city buses on a portion of these roads. The district is in the northwest corner of Henley Country Road and Old Cedar Falls Road. To relocate to the new facility access, it would move traffic away from that area creating a better traffic situation for the City buses. He said 3 of the 5 school bus pictures shown to ~~the Board were taken before the facility would open. The afternoon routes would have~~ good visibility and trucks and buses operate on the same roads every day. He reminded the Board that the roads currently operate under capacity and the bus traffic would only be 2 hours a day therefore it would only be 22 trucks during that time period. Farm vehicles share the roads with trucks all over the state and they have determined this additional traffic would have no impact to farming operations. The time between large vehicles would be enough to prevent any impact to farming operations. He reviewed their recommendations with the Board to reduce the speed limit (after DOT approval) to 45 mph on Henley Country Road and consider an eastbound left turn lane at the facility entrance. In conclusion based on the data compiled, site visits, and nationally accepted design and safety criteria, it is their professional opinion that the additional traffic generated by this facility would not materially endanger public safety.

Terrell asked Letchworth if there were school buses and truck traffic on Hwy 64 currently. He answered yes.

McLeod asked if there was talk of a traffic light at the entrance of the facility.

Letchworth said in order to install a traffic light on a State road it must go through a series of studies to be consider by DOT. He explained that you must satisfy many things but based on the low capacity use of the road, it would probably not warrant a traffic light. He said that trucks will have ample time to turn in and pull out of the facility. He said the site distances appear to be sufficient.

Chairman Pell asked if they had considered flashing light signage of trucks entering the roadway. **Letchworth** answered that would certainly be a possibility and possibly a flashing light over the roadway. He said you have to apply for a driveway permit for this access and at that time DOT will look at the application and may make additional recommendations for this access.

Davis asked if there is a traffic problem what process do you go through to remedy it.

Letchworth answered that if there is congestion created there are funds both local and federal to fix spot problems. He said that DOT engineers can help to fix such issues, but given the current traffic volumes on the road and the small impact of this development he didn't foresee any problems.

Rains said when you talk about capacity what is taken into consideration, is it based on counts, design, etc. **Rains** asked him to explain road capacity. **Letchworth** said that what we look at is type of road, topography of the road, present/absent of traffic signs, what function (local, collector, interstate) the road has, and the published number of vehicles. He said in this case there are approximately 16,000 cars per day. He said they collected average counts over 3 to 4 day period with tube counts across the roads to tell you types of vehicles, times of day, etc. He said they looked at roadway geometrics and roadway widths. He said in this case the lane widths vary from 9 ft to 14 ft. These roadways are about 22 ft wide and more than enough for 2 trucks to pass without their mirrors touching.

Rains asked if the trucks used for hauling leachate or soil coming to the site were considered in their counts. **Letchworth** said the counts are based on what is on the roads now. There are enough conservatives in that number, that if you add a few additional trucks, it will not cause a substantial change in the numbers.

Rains asked if anything in the materials provided substantially changed after you reviewed the Asheboro School bus routes. **Letchworth** answered no sir.

Joyce said he went out there and measured the road ways and they vary from 21'7" to 22 ft wide. He said he measured Old Cedar Falls Road from inside the white lines and yellow lines to be 114" in the lane. He said the trailers that are pulled by these large vehicles are 102". He asked **Letchworth** if he felt this roadway was sufficient to handle these vehicles. **Letchworth** said typically a roadway is measured from the edge to edge of the pavement. He said they also consider the shoulders of the road, and he saw nothing on the roads that would cause trucks to have any trouble passing. **Joyce** will truck travel be heavy during bus times. **Letchworth** said they considered the traffic to be dispersed all through the day. **Joyce** said you don't think roads need to be wider, and **Letchworth** answered no. **Joyce** asked if a "roundabout" would be feasible at the intersection of Old Cedar Falls Road and Henley Country Road. **Letchworth** said there are lots of issues to consider when installing "roundabouts." He said they have been shown to reduce the severity of accidents but he was not sure they reduce the number of accidents. He said the number of accidents at this intersection is well below the statewide average of an intersection of its type. He said he felt the trucks would have difficulty in a "roundabout" due to the curves.

McLeod said in prior meetings the Board has heard people complain of the narrow roads, he asked if the Commissioners could work with DOT to have the roads widened.

Letchworth said if you approached DOT with any transportation project and asking it to be funded with DOT funds you may be successful.

Terrell said if this Board would like to impose the condition for the road to be widened, you could impose that on the Special Use Permit. He said the County has done some studies on this and DOT would work with the County to widen the roads.

Rains asked McLeod what roads he was talking about and **McLeod** answered Old Cedar Falls Road.

Terrell clarified that this would be adding pavement width to the current roadway.

Chairman Pell said at this time the Board will provide the opportunity for any citizens to ask questions of the witnesses.

Ronald Hudson, 1018 Hudson Lane, said he lives off of Giles Chapel Road, off of Henley Country Road. He said he noticed that they (CDM Smith) build landfills. **Snow** ~~answered no sir we will not bid on construction of this facility.~~ **Hudson** asked if they had a timer of when the traffic was heavier and less heavy. **Letchworth** said their traffic tubes give data on every hour of the day and they distributed the truck traffic evenly throughout the day. He said they took the highest-volume hour of the day and used it in basing their conclusions. **McLeod** asked how you will keep trucks from coming to the facility at 4 a.m. **Letchworth** said that he was not an expert on that matter but he had some experience with these types of operators and routes and times they are on the road are tightly monitored by their companies. **Rains** said that they do have counts by the hour in their notebooks. **Hudson** said he has driven trucks for 16 years, and the closest he has ever been to a head-on collision was on Old Cedar Falls Road. Hudson said he has driven in New York City and all over the country. He said he has also almost hydroplaned on that road.

Jan McPherson, 2100 Henley Country Road, asked what time of year the counts were taken. **Letchworth** said they were taken from December 4-7. **McPherson** said that this was not during regular farming season.

Virginia York Halverson, 1908 Leonard York Drive, Randleman, said all the statistics and studies are fine but doesn't it come down to the person behind the wheel. She said what if they are drinking and driving, etc.

Pam Cooper, 618 Libra Place, Randleman, said tractor trailers under good conditions require 319' to come to a stop at 45 mph. She said since most go over that speed, it requires 419' if the truck is traveling at 55 mph. She asked if they still thought this is a safe distance to cross the street or pull out on Old Cedar Falls Rd. **Letchworth** answered he believes it is safe. **Cooper** asked if there were any studies performed of the noise of these vehicles. She said noise cause increasing health problems which can affect hearing, sleep, cardio, performance reduction, etc. She said a large vehicle generates 90 decibels and every time you increase by 10 decibel levels you double the noise rate. She said a jet engine is 140 decibels and it only takes 130 decibels to create pain. She asked how

this would affect the neighborhood. **Letchworth** said that was not his expertise. **Terrell** said that would be a question for Golder and Associates. **Chairman Pell** said this is the time to ask questions of the traffic engineers.

Michael Thurlow, 1536 Giles Chapel Road, Asheboro, said that the study appears to be confined to Henley Country Road and Old Cedar Falls Road. **Letchworth** said the study includes Hwy 64 as well. **Thurlow** asked why was this the only area of study.

Letchworth said the study area was based on the area of impact and where the truck traffic would have the most impact. He said Old Cedar Falls Road and Henley Country Road are where all trucks will be accessing. **Letchworth** said that once the trucks get to Hwy 64 the traffic will be distributed. He said that the vast majority of the impact will be Henley Country Road and Old Cedar Falls Road. He said these vehicles will have a controlled route. **Thurlow** said there is landfill traffic using Giles Chapel Road regularly. He said he is surprised there was no study done on Giles Chapel Road. He asked how we determined that it would only be 100 vehicles per day and what percentage would be large trucks. **Letchworth** said that the commercial haulers currently will be

rerouted and will be removed from the old access, which would move the large trucks further from Giles Chapel Road. He said that the number of personal vehicles is not expected to change. **Letchworth** said that the number of trucks per day was determined by the anticipated amount of waste coming into the facility of 1500 tons per day.

Thurlow asked what type of trucks would make up the majority of the 100 trucks.

Letchworth said Golder and Associates could probably better answer this question but it would be a mix of larger and smaller trucks. **Thurlow** asked how the County would determine the vehicles (using the residential transfer station) were not small commercial haulers. He said if a Randolph County driver's license would be the only requirement to get into the private entrance, this could create a business opportunity for people to become haulers and not pay to dump trash that should go to the commercial side of the operation.

William Dula, 1320 Randolph Tabernacle Road, said that he was told by DOT that unless he had the date and time of an accident they couldn't give him any information. He said he didn't see a report of this type on the County website. He asked if the report included the 2 tractor-trailer trucks that turned over on Henley Country Road.

Letchworth said the traffic study does not include raw data but they could provide this information if it was requested. **Dula** said this information has not been released to public. **Letchworth** said that it has been provided to the County, but he wasn't sure if it has been provided to the public. **Dula** said since the school buses were missed on this route, and the children's safety wasn't considered, he felt the report should be thrown out. He said this would be worse than a 25-lot subdivision. He said he had never seen 25 big trucks in a subdivision. He said if you didn't even pick-up the buses in the study, the whole report should be thrown out. He said you didn't even take the time to go out and find out what buses were using these roads, and you were paid a heck of a lot of money for this study. He said if there is going to be reinforced pavement at the entrance, why is there not going to be at the intersection of Henley Country Road and Old Cedar Falls Road. He said the road is not sufficient for these large trucks. He said he has heard the

County say they could install a pump station, but there is no sewer line on that property. **Dula** asked **Wells** if there was a sewer line on the property and **Wells** answered yes. **Wells** said the Public Works Director would take him to it that afternoon. **Dula** said he had \$114 in his pocket and he would give it to anyone that could take him to it. **Public Works Director Paxton Arthurs** said the sewer line is on the property where it touches Henley Country Road. He told **Dula** he would take him to it. **Dula** said that 2 tractor-trailers cannot make turns at the same time on that road. **Rains** asked **Arthurs** to take him to see the sewer line when he goes at lunch. He said it sounds like **Paxton** is buying lunch. He asked **Letchworth** to clarify that the buses counted were from Randolph County Schools and the buses missed where from Asheboro City Schools. **Letchworth** said that those buses were counted too, but we just didn't realize that some of the buses were from Asheboro City Schools.

Virginia York Halverson, 1908 Leonard York Drive, Randleman, expressed concern for the amount of diesel pollution this would create. She said that people with allergies are ~~asked to stay far back from diesel vehicles.~~ She questioned how many people will be affected by the fumes from the extra diesel. **Terrell** said that would be a **Golder and Associates** question.

Harold Briles, 1871 Old Mill Road, Asheboro, said he would like to address the problem with these trailers. He said most of them are 23 ft long and if you make a right turn you must swing into the other lane. He said you are blaming DOT that these intersections are not working as well as they should. **Terrell** said that when the extra turn-lane is added the problem would then be addressed. **Snow** said that during the design phase, when submitting the application for the driveway access, DOT will see that it is designed in the appropriate manner.

Edith Briles, 1871 Old Mill Road, Asheboro, said that she would like to ask about the road standards. She asked what the minimum width road requirement would be to handle these big trucks along with other traffic. **Letchworth** said that the minimum roadway width in North Carolina is 9 ft. of the travel width, and a total of 18 ft. road way width. **Briles** said that she has traveled Old Cedar Falls Road and Henley Country Road many times and didn't feel they could handle this kind of traffic. She said she almost had bad accident at the rock store one time. She said that the standards might be desired but they are not what exist. She said our children that are waiting for buses are not mentally developed or physically developed enough to react in time to get out of the way of the trucks. She said these roads are not built to where this is a desirable situation. She said our children are our most precious to us and one child's life is worth more than any landfill.

William Henley, 3213 Old Cedar Falls Road, asked if they did specific site distance studies at these hills and curves. **Letchworth** said a typical traffic study for DOT is sight distances during roadway design, but a traffic study performed for development along an existing roadway is done by traveling through the area stopping to determine roadway distances and to pick up areas of concern. He said it is not included in this plan but it was

something that was considered when coming up with our conclusion. **Henley** asked if he made the statement that there are no County School buses stopping on these roads. **Letchworth** said that the information provided by Randolph County Schools is there are no routes along Old Cedar Falls Road. **Henley** said he knew that the report was wrong because his grandchildren get on bus #315 on Old Cedar Falls Road heading to Franklinville Elementary School. He said if you can't see a bus, then the report is not worth the paper it is written on.

Chairman Pell asked Terrell if they were ready to answer Cooper's question on the noise decibels. **Terrell** said Golder will answer and they will also answer Halverson's question concerning the diesel fumes.

DiFrancesco said he would try to provide clarity on some concerns that have been raised. He said concerning questions that have been asked about when trucks will arrive and what rate, the facility operating hours will be between 7:30 a.m. and 5 p.m. He said there ~~will not be long-haul tractor-trailers arriving at 5 a.m. waiting at the gate. He said these~~ out-of-county trucks must first pick up their load at a transfer station in the morning at one site and then bring it to Randolph County. He said he would expect that those trucks would come in to the facility sometime around 8 or 9 a.m. He said approximately 40-50% of the trucks will come in between the hours of 8:30 a.m. and noon with the remaining coming in the afternoon up until about 4:30 p.m.

DiFrancesco said concerning the mix of these vehicles that would be using the facility, he expected 60 to 70% of them to be tractor-trailers and 30 to 40% would be local haulers. He said in regards to the question concerning the route and study area (in the traffic study), there will be a prescribed route that the trucks must travel and they will not be allowed to use other roads. He said this route will be required by contract and this was the area in which the traffic study was performed. He said the contract will also require the operator to provide a hotline number for trucks who stray from this route or to report poor driving behavior. He said DMV require special licensing for drivers of these vehicles that have restrictions of certain vehicle weight, hours of operation, etc.

DiFrancesco said that regarding the questions concerning air quality there are published studies by the EPA about emissions created by truck engines and he didn't feel it was necessary to do further study. **Rains** asked if that information could be sent along with the environmental impact study once it was completed. **Kirkman** said that this type of information is required to be included in that report.

DiFrancesco said in response to the question on decibel levels, information has been included with sound data under the Public Health tab on page 10. He said that a diesel truck traveling at the speed of 50 mph produces the decibels at the same rate as a garbage disposal at 3 ft.

Rains asked Henley if he had family members on Old Cedar Falls Road getting on the school bus. **Letchworth** said they would be more than happy to request, from the

County Schools, to see if there have been any changes to their bus routes. He said there are buses that are north of Old Cedar Falls Road currently. He said if new information was provided by the School System he would be glad to review it to see if their location and times of stops would be of concern. **Henley** said this bus stop has been used for many years by his family; that his daughter (mother to his grandchildren) got on the bus here when she went to Franklinville Elementary School.

Joyce Julian, 1314 Henley Country Road, said that the traffic study missed all those buses that travel on Henley Country Road from Asheboro City Schools. **Letchworth** said they were not aware that there were city school buses using the road but they did know there were County buses. He said that the bus routes do not over-lap with the truck routes. He said all the buses were counted continuously. He said there were counters on these roads and if buses traveled on these roads they were counted. He said they did not analyze Asheboro City Schools' bus routes. **Julian** said there are more than 8 school buses that travel on this road and by the way we pay a lot of taxes in Randolph County.

Terrell said for the record he would like to enter the slide presentation presented by Golder and Associates as exhibit D.

Terrell introduced two appraisers, John Daniel and Jim Wright, and said they would be providing testimony that the modern landfill would have no substantial impact on adjoining property values.

John Daniel, 2106 Brookwood Trail, Sanford, said that the purpose of the study was whether this development would adversely impact property values. As an appraiser he must adhere to many rules and regulations. The most important standard is that he cannot be an advocate for the person that has requested the appraisal or their cause. He must affirm that the statements of his appraisal study are true and correct, that he has no interest in the property, that he has no biases with respect to the property or clients, and that he has no predetermined value or opinion. He is a NCSU graduate, he is involved with civic organizations, has been involved with community economic development for many years, a trustee for Central Carolina Community College, Chairman of the Central Carolina Hospital Board of Directors, and he is a state certified appraiser. He found, based on his analysis, that this modern landfill will not injure the value of adjoining properties. He said in many cases he found that the values of some homes actually increased. He looked at 3 modern landfills in Concord, Winston-Salem, and Raleigh, and found them to be surrounded by schools, residences, etc. The North Raleigh Facility has been closed and is in post-closure state but his research was performed while it was in operation. He searched public records of homes, within 1½ miles and 2 miles of the landfill, and the sells showed home appreciation rates between 1.5 to 3.7%. He researched broader areas and found the surrounding rates to be higher than the broader rates. He presented pictures of the homes in the communities he studied. He said there are other factors that affect home prices such as the economic climate, availability of homes, amenities, covenants, restrictions, architectural styles, etc. Based on his analysis of the neighborhood and considering the type of development property, it was his

conclusion that the proposed solid waste containment facility would not negatively impact surrounding or adjoining property values.

Jim Wright, Asheboro, said he has been a real estate appraiser for 32 years and until he was contacted to perform this study he had no exposure to Subtitle D landfills. He said this has been an educational experience for him and in the beginning of the process he had some of the same questions that have been raised in this meeting. He said that he visited 6 landfills across the State located in Anson, Cabarrus, Davidson, Montgomery, Sampson, and Wake counties. His conclusion is that the use of this landfill will not materially injure the value of adjoining or abutting properties. He knew that the Planning Board has visited 1 of the sites he visited. He asked if anyone in the audience had visited a Subtitle D landfill operation. A few people from the audience raised their hands. There were very few sales around some of the landfills due to the low population in their area. In Davidson County there were several sales in close proximity to the landfill which indicated there is ready acceptance by the buying public. He spoke with a residence ~~across the street from the Davidson County Landfill who said that he has lived there for~~ 47 years, and there are no odors, noise, water contamination or other problems. The man said he barely knew it was there. A neighboring property to the entrance of the landfill sold in 23 days in 2009 and at a higher price per sq. ft. than the median price of the other 33 sales in June 2008. Another residence on Turner Road, 1 mile from the land fill in Davidson County, in June 2008 sold for \$149 per sq. ft. In Cabarrus County there are nice residential developments and 2 new schools adjacent to the Charlotte Motor Speedway Landfill. There were no detrimental impacts to the values of the homes sold in the area. In the South Wake Landfill area 1 residential development "Forest Springs" price range for homes is \$140,000 - \$315,000 and the homes are selling for 100% of the asking price. He interviewed a real estate agent on-site and he said occasionally there is some buyer resistance due to real estate agents in competing areas. The agent said he makes full disclosure and after doing so his development is normally the buyer's choice over 90% of the time. In Randolph County he searched properties in this area of Old Cedar Falls Road and Henley Country Road. There were 40 sales and 10 were foreclosures with the remaining 30 sales included 29 homes and 1 vacant land. The sales ranged in cost from \$45,000 to \$338,000. 10 of the 29 home sales occurred since 2008, and the median sales price was \$130,345 which was 95% of the median list price. Randolph County has had a landfill present on Henley Country Road for approximately 40 years and if the property values had been impacted, we would see a big difference. To sum up if there is an impact of the landfill it is not shown in the sales prices. He said the properties on Henley Country Road have maintained values greater than those on Old Cedar Falls Road but he could not find any detrimentally impact this type facility would have on the values of adjoining and abutting properties. He said Randolph County has had a solid waste transfer station for 15 years and he was always taught it was better to own than to rent. He said we've been renting our space for 15 years and this is long enough. He said after the new landfill is build he didn't feel it would be nearly as bad as the opposition feels nor as good as the applicant hopes.

Terrell asked Wright if the people that bought homes on Henley Country Road knew that

they were purchasing a home near an unlined landfill facility and transfer station. **Wright** said he was not sure that they knew it was unlined but they would know there was a closed landfill and transfer station nearby.

Terrell asked Daniel if a market study could be used to determine there is no substantial damage to property values. **Daniel** answered yes.

Rains told Daniel that his report used the term "market approach" and Wright's report used the term "sales comparison", he asked if terms had the same meaning. **Daniel** answered yes. **Rains** asked him if any of the adjacent sales mentioned in his report were located on the active side of a landfill. He asked if the trash could be seen from the sale site. **Daniel** answered that berms (around the landfills) were there but the landfills were active. **Rains** asked if he had measured or analyzed whether the landfill was active or closed had any impact on property values. Daniel said what he has learned is that the time before the construction starts people have more concern than when the landfill is active or under construction. He said that Wright and he both found neighborhoods adjoining landfills that were choice picks in a community.

Chairman Pell said at this time the Board will provide the opportunity for any citizens to ask questions of the witnesses.

Ramona Dula, 1320 Randolph Tabernacle Road, said that she is a realtor and chose not to be an appraiser. Dula asked why such a long period of time was considered during this study and said normally appraisals are within 6 months. She said that she had personal experience in attempting to sell property in this area and that 3 sales were not made due to the mere mention of the landfill. Dula questioned how Realtors would be able to sell homes in this area with all the disclosures that will have to be made due to the adverse impacts this landfill will have on properties. **Daniel** said that the length of time differs in a study versus an appraisal. He was not asked to appraise a landfill, he was asked to determine if this use would have an adverse impact on adjoining property values if development. **Dula** said the stigma alone hurts property values. She added it will hurt property values and Asheboro in general. **Daniel** said he will acknowledge that property values go up and down, but active landfills do not cause this affect on property values nearly as often as activities like a neighbor working on vehicles, etc. He added that the percentages are in the report for you to see. **Dula** said 2 weeks ago she was showing a property on Henley Country Road and the couple was ready to purchase, but as soon as they heard proposed landfill they declined. She said she knows of another case where a house on Wicker Lovell Road was shown by a Realtor, and when the proposed landfill was mentioned, they lost the sell. **Daniel** said that his personal experience is the same, people don't understand the unknown and their perception changes after construction.

William Dula said it is wrong to use Cabarrus County and Wake County for these studies. He said if Randolph County had the same economic factors that those counties have we wouldn't be having this discussion, we would be rolling in money. **Daniel** said these areas (used in the comparison) are made up of those that have many more choices

and they have these landfills.

Ramona Dula said that amenities can affect sales and stated that many of those developments you used in your report may have special amenities. **Daniel** said that there are possibilities for amenities in the open areas/buffers around the landfill.

Chairman Pell called for a break at 12:12 p.m.

Chairman Pell called the meeting back to order at 12:23 p.m. Chairman told the audience that we need to stick to questions for the witnesses. He reminded the audience the opposition would be given their time to present their case.

Pam Cooper asked questions pertaining to methane gas and other possible contaminants and asked how that could possibly affect the farmland property values and if it could remain farmland. **Daniels** said that the market would be at place with farmland like residential properties. ~~Daniels said that the market forces with farmland will continue to~~ be positive. **McLeod** said that it will not affect zoning in anyway. **Hal Johnson** said that agricultural activities are exempt from county zoning regulations in the State of North Carolina. Johnson said the State recognizes this activity as part of our heritage.

Virginia York Halverson, 1908 Leonard York Drive, Randleman, asked Wright if he was hired by the Commissioners to do this study. **Wright** said that he was hired by the applicant the County of Randolph. **Halverson** asked him if he observed 200 trucks coming and going from the landfills he studied. **Wright** said he did interview property owners and one directly across from the entrance of a landfill. He said he indicated he didn't see any problems. **Halverson** said it appeared to be limited interviews. **Wright** said he didn't interview every property owner but those that he did, along with Realtors in the area, indicated there had not been a problem. He said in Randolph County he interviewed a property owner and a couple of Realtors. He said the owner sold a property in 2009 and at no time during negotiation did the landfill present a problem. He said the Realtors mirrored that response. **Halverson** said that visiting the landfill you did an overview of with your eyes of the property and didn't see these 200 trucks. **Wright** said that he did not sit at one site all day. **Daniel** said that he did a study in Cabarrus County for several days and did notice trucks and found everything to be fine. Daniel said that he cannot interview every property owner to know specifically about a house. You have to take the data to have a credible report. **Halverson** asked about the smells of the landfill. **Daniel** said that in his interviews he specifically asked about odor and he was told it wasn't adverse to quality of life. **Halverson** asked for Dula to be considered credible.

Ramona Dula asked if they asked if there were waivers signed near these landfills like required around airports. Dula said she had a copy of landfill studies that proved people hate landfills and people are getting sued. **Wright** said that he didn't ask the realtor if he signed a waiver, he was sure he did what was required.

Terrell introduced Hal Johnson, Randolph County Planning Director, as his next witness and explained that he would be testifying to satisfy the test of "in harmony with the area" and the test of "that it meets all standards of the ordinance." Terrell said that Johnson was well known and respected across the State as a planning professional.

Hal Johnson, County Planning Director, said that there are four tests that the Board must make "findings of fact" on prior to issuance of any special use permit. Those tests are:

1. *That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;*
2. *That the use meets all required conditions and specifications;*
3. *That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and*
4. *That the location and character of the use if developed according the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Land Development Plan for Randolph County.*

Johnson said that he will supply testimony concerning test 2 and test 4. Johnson described test 4 to be the most difficult finding. He said that the County struggles to determine if development is in harmony with an area in which it is to be located. Johnson said for the past 35 years it has been his privilege and honor to work with every Randolph County Planning Board during that time. During these 35 years, all County Planning Boards have had to struggle with issues of land use and harmony. He described the Planning Board's job as a difficult one.

He said that the application was properly completed and filed with the Randolph County Planning Department with sufficient time to meet the public notice requirements. The property is located in a Residential/Agricultural District as required by Ordinance. Supplemental information has been filed with the application that when followed by the applicant will enable the construction of a landfill to meet the following: (He said that it is important the people understand that the County would have to follow these requirements.)

- A. No permits to operate a landfill can ever be issued if the requirements and provisions of the Solid Waste Act of 2007 and any subsequent modifications or amendments to the Act, as determined by the Department of Environment and Natural Resources, have not been followed. Randolph County is required by law to defer to the findings and determinations of NCDENR;
- B. No permits to operate a landfill can ever be issued if the rules governing sanitary landfills established in North Carolina Administrative Code Title 15A, Chapter 13B and any subsequent modifications or amendments to applicable rules, as determined by NCDENR, have not been followed;
- C. No permits to operate a landfill can ever be issued if any other state rules applicable to landfills which have been adopted by state agencies with oversight

- of the activity in question have not been followed;
- D. If the terms and requirements of the Permit to Construct and Permit to Operate issued by the NCDENR, and any modifications or amendments to such permits have not been followed, the landfill can be required by NCDENR to cease operation until all requirements have been met;
 - E. The NCDOT controls the terms of a driveway permit as issued by NCDOT. If the terms of these permits and any other traffic improvements required by NCDOT have not been followed, the State of North Carolina will not allow access to the site;
 - F. If the conditions and requirements of a franchise ordinance that may be later adopted by the Randolph County Board of Commissioners and any subsequent modifications or amendments to the ordinance have not been followed by the landfill operator, then the County will close the facility until the operator complies;
 - G. Any conditions and requirements adopted pursuant to the issuance of a Special Use Permit which may respond to specific local matters must be followed or the landfill can be closed.
-

Johnson said the site plan submitted meets all requirements of the ordinance, including the required landscaping and buffers. The site plan reflects the approximate location of anticipated structures, roadways, and other facilities. The Plan notes that minor adjustments to structures may be made as a result of on-site design and construction needs.

Johnson said as a result, I hereby certify that because (1) the landfill plans comply with all Zoning Ordinance requirements and standards, and (2) the project must comply with all State and Federal laws governing MSW facilities as it moves forward in the development and permitting processes, the application and use therefore meet all required conditions and specifications required by the Randolph County Zoning Ordinance for a landfill.

Johnson said the next question is what is “harmony”? He said that the County adopted the first zoning in 1974 in the area that includes the North Carolina Zoo and then zoning in Trinity was adopted in 1979. Randolph County later adopted countywide zoning in 1987. He explained that since that time, one of the most consistent and difficult decisions required of the Planning Board is to make a determination that the location and character of a proposed land use, if submitted and approved according to the plan, will be in harmony with the area in which it is to be located.

Johnson said in county planning and development, “harmony” of adjoining or nearby land uses is not the same thing as “similarity”. Because of the very size of a county (Randolph is approximately 800 sq. miles.), land uses frequently occur that are dissimilar in appearance and use, but these land uses can function harmoniously with each other. He said the 2009 Randolph County Growth Management Plan recognized this distinction when it stated as a matter of Randolph County public policy that:

“Sustainable rural economic growth, environmental protection, and rural quality of life, shall be pursued together as mutually supporting growth management goals. With appropriate site conditions, one goal does not necessarily exclude the other.”

He said using specific Randolph County land uses as examples, residential and agricultural areas commonly host schools, churches, and other land uses that are completely dissimilar from single family homes and farms. He reminded the Board that over 80% of Randolph County is zoned Residential/Agricultural (RA). In Randolph County, there are numerous examples of small and large subdivisions which have developed adjacent to farms where tractors and other equipment are loud. He said similarly, as Randolph County grows, we have struggled to accommodate **transition points** where the nature of the land use moves from lower to higher intensity. (e.g. farm to residential, rural business/ industry, or residential). He said Randolph County experienced this more than any county in Piedmont, N.C., in the 1990's. He explained that in these situations, “transition” areas necessarily have dissimilar uses adjoining each other; however, they are usually in one community or area. The 2009 Randolph County Growth Management Plan again addresses these transition points by stating that:

“As our economy continues to change with the loss of jobs, and global competition, the characteristics of rural industry and commerce are also evolving. With proactive County Growth Management Policies, there can be opportunities for rural industry to be located in rural areas without causing unacceptable disturbance to the community.”

With these guidelines adopted as Randolph County public policy, when the County Planning Department looks at what land uses are harmonious with each other, we look at **function, underlying characteristics, and local ordinance legality** of the proposed use. **Underlying characteristics** are the first factor considered in making a determination as to “harmony.” He stated having visited other modern landfills, his staff and he have learned that the vast majority of landfill area is covered with grass, or “open space,” quite similar to a farm.

He explained what is called the “working face” the area where waste is actively being disposed, is no more than approximately 2 acres. Since the entire facility boundary (landfill perimeter) encloses 667 acres, the average size “working face” would represent only three tenths of a percent of the total area. Consequently, we look at the predominant characteristics of a large farm (grassed areas and wooded boundaries) and find that the underlying characteristic is more similar to a large farm having multiple buildings dedicated to farm use.

Johnson said **functionality** is the second factor considered in making a determination as to “harmony.” He said we ask if there are characteristics of the land use that would prevent other uses from flourishing and we look first at adjoining residential uses. Information has been submitted that a next-door neighbor’s lawnmower or garden tractor would sound louder than the equipment used by the proposed landfill which would be

located several hundreds of feet away. The information also says a tractor plowing or discing a field next-door would generate more dust and poultry farms, common in Residential Agricultural zoning areas would produce more odors. He said that Randolph County's policy has always been to consider rural residential uses and farms to be harmonious and compatible with each other; indeed, this is a major part of the fabric of our county throughout its history to the present. He added that in fact the State of North Carolina doesn't allow counties to regulate farming and they determined it is harmonious and part of our heritage.

There is the **local ordinance** and resulting **legal definition** of harmony. Under North Carolina law, when the Randolph County Board of Commissioners adopted the current zoning ordinance and decided that a landfill could be located in a Residential/Agricultural zoning district, that decision by the County Commissioners amounted to legislative findings by the County that a landfill, if developed according to the plan and findings of the Special Use Permit, is compatible and harmonious with other land uses allowed in the zoning district.

Johnson said the next question is what are the surrounding uses. The Randolph County Planning Department staff conducted an automobile field survey of land uses located within ½ mile of the proposed Regional Landfill property boundary. They did this so that they could first answer the question "what is the character of the area?" Records maintained by the County Tax Department indicate that there are 281 single-family residences located within ½ mile of the proposed landfill. 190 single family site built residences and 91 manufactured residences. Randolph County Planning Department staff conducted an automobile field survey and identified additional land uses within the ½ mile survey area. Those land uses were classified as Commercial (14), Cultural (4), Industrial (8), Governmental (8), Institutional (13), and Recreational (1). Thus, it would not be appropriate or correct to describe the surrounding area as "residential," although it does have a residential component. He presented a map of the area with each land use identified by staff. Records provided by the Randolph County Tax Department reflect 42 individual parcels adjoining or abutting the total 900 acre Randolph County property, including that portion of the property used as a local county landfill beginning in 1972 and closed in 1997. Randolph County Tax Department records also indicate that there are 35 different property owners of the 42 parcels and that eleven (11) property owners purchased their properties from 1974 to 1997. Tax Department records indicate that 18 residences adjoin or abut Randolph County property boundaries of the proposed 667 Regional Landfill operation area. The average distance of these homes from County property lines is 274 feet, with the greatest distance being 695 feet and the shortest distance 8 feet. He presented a map illustrating these distances. To each of these distances, one would at least add an extra 300 feet, the minimum buffer required between the "footprint" of the disposal and the boundary. In many locations the extra distance to the footprint would be several hundred feet. Johnson said this information can be used by the County Planning Board as you make a finding as to whether or not the proposed Regional Landfill is in harmony with the area in which it is to be located.

Johnson said that he has reviewed the application and materials submitted in support of the Special Use Permit application and the following policies of the 2009 Randolph County Growth Management Plan could be interpreted as supporting the finding that the use would be in general conformity with the plan:

Policy 1.1: Sustainable economic development, environmental protection, and quality of life, shall be pursued together as mutually supporting public policy goals.

Consistency Summary: Financial benefit to the County is mutually supported by strict environmental standards of Federal and State agencies. Quality of life is supported by buffers imposed beyond the minimum required by state.

Policy 1.3: The benefits of economic development should be balanced against the possible detrimental effects such development may have on the quality of life enjoyed by area residents.

Consistency Summary: Job creation and economic development anticipated as a result of ~~the Regional Landfill is balanced with environmental standards and buffers to maintain~~ quality of life.

Policy 1.6: Randolph County will support coordination of economic development resources with various local agencies and seek regional coordination and interaction between areas with a shared economic interest.

Consistency Summary: By its very nature, a Regional Landfill requires economic coordination between local agencies and supports the interaction of communities because of the shared economic interest of solid waste disposal.

Policy 3.1: Industrial development should be on land that is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land should be encouraged.

Consistency Summary: Randolph County is located in the geographic center of North Carolina and the Regional Landfill will be located on land owned by the County since 1972 as a landfill.

Policy 3.10: Site specific development plans shall be required that reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flow using vegetated buffer areas or retention ponds.

Consistency Summary: Engineered site plans and stormwater buffers are part of the proposed development and are designed to minimize stormwater flow through facility siting, best management practices, and natural buffers.

Policy 3.11: New rural industrial development should provide site specific development plans along with vegetated buffers or other landscaping designed to reduce substantial impacts to adjoining land uses.

Consistency Summary: Engineered site specific development plans have been submitted and are a critical component of the proposed Regional Landfill application. Natural buffers in excess of minimum requirements have been proposed. Facility locations have

been selected at distance from adjoining property lines in efforts to reduce substantial impacts to adjoining land uses.

Policy 8.2: Public involvement is encouraged in decisions on land use and development by making the public aware of proposed developments at the earliest opportunity, and fostering communication between landowners, the development industry, the public, and Randolph County government.

Consistency Summary: The County invited all residents living within 2000 feet of the landfill boundary to attend a special Neighborhood Information Meeting with staff. This was in addition to a Public Information Session held before the Board of County Commissioners. Background information and offers to transport any citizen to view a comparable landfill have been made available on the County website.

Johnson said that this is the longest Planning Board hearing ever held in Randolph County.

Page 10, 2009 Randolph County Growth Management Plan: “Randolph County Zoning and Public Policy recognizes that individual zoning decisions are dependent upon the scale of the proposed development as it relates to the specific site and location. Sustainable rural economic growth, environmental protection, and rural quality of life, shall be pursued together as mutually supporting growth management goals. With appropriate site conditions, one goal does not necessarily exclude the other”.

Consistency Summary: The anticipated positive economic impact for all County citizens, along with the stringent state environmental regulations that must be maintained, support this policy.

Page 14, 2009 Randolph County Growth Management Plan: “A key principle in the Growth Management Plan for Randolph County is to approach development decisions not as isolated individual issues, but as a part of a larger interconnecting framework of building sustainable growth within the County”.

Consistency Summary: Sustainable growth in 21st Century economic climates, require that all development decisions be viewed as interconnecting with other social and economic conditions within the community. A Regional Landfill not only allows the County to economically treat solid waste, but also may generate other support businesses that might insure long term sustainable jobs and growth.

Page 42, 2009 Randolph County Growth Management Plan: Board of County Commissioner Adoption Resolution, Intent #2: Recognize that growth management policies should afford flexibility to County boards and agencies that will enable them to adapt to the practical requirements often necessary for rural development.

Consistency Summary: This land was originally purchased by the Randolph County Board of Commissioners in 1972 for the purpose of a landfill and is in excess of the land currently needed for a Regional Landfill. The County has used this availability of land to provide buffers in excess of that required by state environmental regulations. The County has also used the land availability to locate sites and buildings in locations designed to

minimize substantial impacts to adjoining properties.

Johnson said that his testimony is submitted to provide background and data to support Findings #2 and #4.

Rains said considering Policy 8.2 and public involvement, has there been any other development possibilities with the property with future development. **Johnson** answered that he was not aware of any.

Ramona Dula told Johnson, as you are aware, Dr. Koslow was here last night to present a power-point presentation. She asked if the Board would give him the opportunity to do this before they make a decision. **Johnson** said that he has the opportunity to address the Board today. **Dula** said that he could not come today. She said he was here for over two hours last night and could not be heard. **Johnson** said that it is unfortunate that he could not be here today.

William Dula said the doctor asked him to tell you that he had a power-point presentation. He asked how many were being paid to be here. No one answered and Dula stated that he knew all those sitting on the front row were being paid. He said Dr. Koslow came here to talk to you and was on call at the hospital. He said the doctor asked that you not make a decision until he could be heard. **Chairman Pell** said that he needs to come today. **Dula** said that he could come to you at a later date and it would be for free.

Pam Cooper said that she got the impression that there would be more meetings. **McLeod** said the Commissioners will have more meetings. **Johnson** said that if the Planning Board approves this request, this meeting is only one of many more.

Virginia Halverson said that her doctor gave her a written notice with his concerns of the potential problems she would have in the future. She said he told her if it was built she would need to move. She presented a petition signed of people opposed to the request. She said they appreciate the graciousness of Mr. Johnson throughout this process. She said that she doesn't see the need for this landfill if the County is okay financially to take care of the current needs. Halverson said that we don't even have a 4-year school in this county.

Chairman Pell explained that the Board is just taking questions (not opposing testimony) about the testimony of this witness, Hal Johnson.

Paul Lawton said he thought the background of study is very contentious to this need. He said the County Commissioners should not allow this. He said he understood the need for uniformity and harmony and he thought the comments suggested that we need a clean and green county, not a garbage dump. He suggested that the Board take additional time and really consider the matter. He said there has been no mention made about monies that could be received by state and federal governments if this is approved. He

said there is a definite need to take the time to consider that things that have been submitted by these engineers and the attorney might not create harmony in Randolph County. He said that if we need this landfill it would be wise if it was for Randolph County's use only. He said there is a need for this landfill. He asked the board to consider the rights of these citizens that have spoken and secondly the needs financial and fiscal of the County. He said the partnership would be 50/50 and these large waste management operators, according to Wall Street Journal, are not the kind you want to be associated with.

Edith Briles, 1871 Old Way Road, Asheboro, thanked the Board for being excellent listeners. She said I would like to tell you that my husband, Harold, talked to a lady well known in the County who has a lot of contact with people and she said I wanted to know what kind of support the people of Randolph County have for the landfill. She told my husband the people around the courthouse were the only ones wanting this landfill. She said my husband asked her who in the County supported this landfill and she said nobody. ~~Briles said we do not want the landfill and it is not right for Randolph County.~~ She said the people who live there deserve better. She said many years ago 2 couples were talking about ways to raise money for their families. She said the 2 men were talking and one said lets buy a parcel of land for a mobile home park. She said the other said let's see what our wives have to say about it. She said the wife of one of the men answered yes if you put one first beside us to show that we would be willing to live there too.

Chairman Pell asked Terrell if he had any more witnesses.

Terrell rested his case.

14. **Chairman Pell asked for those in opposition to sign in and then they could address the Board with their case.**

Pam Cooper, 618 Libra Place, Randleman said that nobody wants the landfill, but she would not object to a local landfill, but she is opposed to a regional landfill. Cooper said that calculating the stopping distances for stop lights and running off the road is not handled well by some people and may cause accidents. She said the road would need to be widened. She said that the rural quality of life is appreciated by the people of Randolph County and this would affect their quality of life. She expressed concern of the safety checks of the trucks that are hauling this waste. She said that other counties/cities may not be as responsible with disposal of their waste if they ship it out to us. She expressed her concern that not enough information has been given concerning allergies, noise/sound, traffic safety, etc. She said she wouldn't have a problem with a local landfill, just not regional.

William Henley, 3213 Old Cedar Falls Road, said that he has two adult children with two of those children living next to him. He said that he felt the transportation study was incomplete and no information concerning sight distances, etc. had been presented. He

said that his family farm is here and the farm has 1.4 miles of frontage on these two roads. He said that it takes more than 5 minutes to travel this distance by tractor. He said that a tractor travels 16 mph and asked how could it not be a hazardous situation. He said he will be run over by a transfer truck. He said his daughter is 28 years old now, and she rode that bus that was discussed from Franklinville School. He said the bus route has never changed in all those years. He said how can it not endanger my family's safety with over 200 truck trips on this road each day. He said that the school bus stops here each morning at 7:35 a.m. to pick up his grandchildren and they return home around 3:30 p.m. **Rains** asked Henley to give the Clerk his information. **Joyce** asked Henley how long he has lived on Old Cedar Falls Road, and **Henley** answered all his life. Henley said that Mr. Terrell talked about statistical possibilities; it is statistically inevitable there will be an accident with my family on this road.

Harold Briles, 1871 Old Way Road, Asheboro, said that he has been a citizen of Randolph County all his life and his family goes back 4 generations, here in Randolph County. ~~He said that he can't see any benefit for this landfill and that the County can buy~~ any opinion they want from an expert. He said that the expert said there were no buses on these roads, but a lady came last night with pictures of buses traveling these roads. He said now the experts say today that we do have buses there. He said in response to *test #1*, these are man-made hills and nothing like the landscape we have here in Randolph County. He said as to *test #2*, this request has not met all required conditions and specifications because the information last night said the liners do leak and this will be an experiment the taxpayers don't want. He said as for *test #3*, the appraisers said it won't affect it but they don't know what will happen. He said concerning *test #4*, these man-made mountains are not in character with the landscape of Randolph County. He said that this thing has gone on a long time and a lot of taxpayer money has been spent, and I think that you need to bring this to a halt. He said that he has not spoken to one person that wants this landfill and he would like the Planning Board to stop this process.

William Dula, 1320 Randolph Tabernacle Road, said that he was told he could not speak with this Planning Board before this meeting was held. He said that he now knows that was not true, that others have been allowed to talk to the Board. He said this is going to be rezoned and go from Residential Agricultural to Heavy Industrial and that nothing out there is zoned Heavy Industry. He said that this mega landfill has been looked at by Chatham, Rockingham, and Alamance counties and none did it because the risks are just too high. **Kirkman** said there are minimum regulatory requirements. **DiFrancesco** said there are different types of soils used in the process with a geomembrane liner. He explained the layers used in the landfill. **Dula** said he has talked to many people in this county and some said yes, that we'll make a lot of money. Dula said he has heard that the Planning Board is in the Commissioners pocket and this is a done deal. Dula asked the Board to look at their hearts and do what you want to do. He asked the Board if they wanted to have a "love canal" in Randolph County. He said if the Commissioners take it out of your hands and approve it after you've turned it down, well then you will at least know that you have done your job. He said our grandchildren will have to pay for this landfill. He presented the Board with a packet to review and asked the Board not to just

rubber stamp this request. **Wilhoit** told Dula that he was not told incorrectly, that you are not permitted to talk to the Board before the proceedings in this type of request. **Dula** said that we, the citizens of Randolph County, have not been represented here. **Dula** said we don't need to be used as a guinea pig just to see if these new landfills work. **Terrell** said that this sheet (that Dula presented to the Board) is classic hearsay and he objected to its submission to the Board.

Virginia York Halverson, 1908 Leonard York Drive, Randleman, discussed what could go wrong with this landfill liner in clay areas. She read from a study that she said was from the University in New York. She said that many household chemicals can degrade these liners and cause them to fail. **Terrell** said that this study is concerning a landfill using clay and that clay will not be used in this landfill. Terrell asked Halverson if she understood this, and she said she did. **Rains** clarified that the base of the site is not clay and the information has been given to substantiate that fact. **Wilhoit** told her that the person that wrote the report unfortunately was not present. Wilhoit said this puts the Board at a disadvantage because they cannot be cross-examined, and therefore the report must be considered hearsay. **Terrell** asked Halverson, if she was aware that this liner is not made of the material this report was commenting on, and that industrial waste will not be brought to the site. Terrell said told Halverson that he does these types of hearings frequently and he wanted to tell her how much he appreciated her gracious comments she has given throughout this hearing. **Halverson** said on February 28th *The Courier Tribune* had an article in it of the pros and cons of this landfill and she felt it was really good journalism and the Board should consider those points listed in the article.

William Dula said that he has lived in the County for 66 years and he has never seen *The Courier Tribune* oppose something until last Sunday they came out against the landfill.

The opposition rested their case.

15. **Chairman Pell gave applicant the opportunity to present rebuttal evidence.**

Terrell asked Wells to explain the impact this will have on the budget and to elaborate on the truck route.

Richard Wells, County Manager, said conservative estimates of the economic impact the regional landfill could have would be in the amount of \$3 million per year which equates to 3 cent on the property tax rate. Wells said that another point he wanted to make was that we gave our presentation to the Randolph County Board of Health and there for more than 2 hours. All Board of Health questions were answered by the professionals and they seemed satisfied that we had done our jobs to see that the public health of our citizens would be protected. Concerning the truck routes, currently all trucks and private citizens come to the same entrance point. There is only one access to the transfer station. We wanted to establish a route that would cause the least amount of problems for the citizens. Initially we looked at Loflin Pond Road was studied, but it was determined that the Henley Country Road route was the better route. Wells said in regards to the concern

that not all the school buses had been accounted for, the study performed by the traffic engineers did count all school buses. These counter systems only know that type of vehicle and cannot determine the school system. These roads (Henley Country Road and Old Cedar Falls Road) are barely used to their capacity (approximately 10%). If DOT engineers felt there was a need to widen the road, the County would be willing to do so. If traffic lights are needed, we will do what DOT feels needs to be done. Wells said that all the information and studies that have been performed have been put on the County's website. **Rains** asked if the traffic study is on the website, and Wells and Arthurs, County Public Works Director, answered yes. **Rains** asked about the discrepancy in the acre size of the site, and **Wells** answered that currently the County has 667 acres, and the County is under contract with the Baptist Church for an additional 43 acres and there are contracts on property at the entrance in the amount of 90 acres that would bring the total to almost 800 acres.

16. **Chairman Pell asked the applicant for a brief case summary.**

Terrell said that solid waste already comes through Randolph County daily and it is pretty clear that solid waste has been coming through this county since the 1970s. This property is right next to the transfer station and the closed landfill. We are just asking for the model of how the County's solid waste is handled to change. There have been comments that all Randolph County citizens are opposed to the new landfill, however, there are approximately 140,000 people who live in Randolph County and if you have counted, there were at most 60 people that came out in opposition. There may be 1000 signatures on a petition of opposition but they are not here. We are only the first to attempt this under the new stricter rules and North Carolina is one of the strictest states in the Country concerning solid waste management with these new rules. The question was asked if boy scouts would camp here, and he said no one is allowed in here while the landfill is operational. Once closed, these facilities do become hosts for recreational facilities and where people come to gather. We are here to look at if the applicant has met the four standards required. He said concerning public safety, you can only oppose a traffic study with another study performed by professionals. This is a requirement by law. The County has requested the following conditions be added to their request: to move the mailboxes along the road (to prevent people from having to walk across the road), widening the road, and adding a left turn lane into the facility. He said the hospitals will be full of sick people if you don't take care of your waste. He added that the \$3 million dollars could be made from this facility could be applied to public necessities such as law enforcement, schools, etc. Concerning the issue of property values, the only way to address is through market study by an appraiser. We have presented testimony through 2 experts that the use will not substantially endanger property values. Even through the early days of this process, the landfill will not be visible with the berms being put in place first. He said in the case of Charlotte Motor Speedway Landfill, they receive approximately 4000 tons of waste per day that would equate to approximately 5000 trucks per day. Concerning the issue of public health, Golder and Associates used data from the EPA. Using their data 99.96% of the leachate would be captured in this system. He said Dula asked what if questions, and what if is

not evidence. He said it is only a way to create a fear factor. No contrary evidence was even presented to Johnson's testimony of the issue of "harmony." Terrell stated that he was very impressed by Johnson's testimony. He said the landfill would be next to a solid-waste transfer station, a closed landfill, and large timber tracts. Terrell said this is harmonious.

17. **Chairman Pell asked the opposition for a brief case summary.**

Ramona Dula said she is a license professional and what she did know is this will affect the lives of everyone in this community. She said it will affect the public health of everyone and she has been told by my health professional that she will have to move. She said she has lived here for 33 years. She said who will test and protect the groundwater. She said she was sure that it is not supposed to leak but the Titanic wasn't supposed to sink. She said she's heard a whole lot of things that need to be checked out. She said we have heard a study and appraisers, but she didn't think Randolph County requires this landfill at this time. ~~She said she realizes many plans have been made and that the County has been to Greensboro to make plans to bring the trash in from the White Street Landfill. She said it is your job to stand up for the citizens of this county. She said garbage trucks leak and spread germs and you are going to bring this into our County. She said she hopes the Board will make their decision for the people of Randolph County and not just the almighty dollar. She said we have a vast amount of resources that could be used to make money.~~

18. **Chairman Pell** asked the Planning Board members if they had any questions of any of the witnesses before the close the public comment segment of the meeting.

Joyce asked Paxton Arthurs, Public Works Director, if he had contract with the Post Office concerning moving the mailboxes. **Arthurs** said that they have been contacted and the have approved moving the mailboxes and the routes would not change.

Rains asked about a possible recycling program and **Kirkman** said the County is required to have a management plan for recycling to meet State requirements. She said that part of the funds could be utilized to encourage recycling.

There were no other questions and the public comment was closed at 3 p.m.

19. **Chairman Pell asked for Board Discussion.**

Johnson said for the record this is the longest public hearing ever held by the County Planning Board. He said this meeting has extended for more than 10 hours.

Davis said that he understood that it is his responsibility that if the landfill is built, that we have the correct zoning in place to accommodate it. He said he wanted the citizens to realize that whether this Board's decision is up or down, there are many more hearings to be held.

Ridge said that the presentation has been very thorough with the length of this meeting, traffic study, appraisals, etc. He said people will always question the credibility what is being presented in every case.

Rains said that he felt that a lot of the things he had been wondering about were addressed. He said he had started with the conditions tab and has been adding to it to address things that were brought up or relevant. He said he has gotten to condition #22 to be considered.

Chairman Pell said that we can add any conditions that we feel are necessary if we choose to approve the request.

Rains said that he realized Mrs. Johnson is not here, but in answer to her questions of if I would take my boys to camp on this site, we camp on a closed landfill site at Charlotte Motor Speedway every fall. He said he would not have any problem camping at this site at its closing. He said he wanted to answer her question, and that her grandsons are in his scout troop.

Chairman Pell told Dula that we want it entered into the record that if this request is approved that the doctor will have the opportunity to address this issue before the Commissioners at public hearing.

Wilhoit advised Rains that the Board could wrestle with his recommendations of possible conditions, while they deliberate, with or without a motion being made. Wilhoit advised Rains that we would only be considering his concerns, and he encouraged him to share those concerns with the Board.

Rains listed the conditions he felt needed to be included if the request was to be approved:

1. Installation of litter fencing like on golf driving ranges to catch trash
2. Animal control measures to provide control of birds, pigs, and other animals the facility attracts
3. Banking of soil is to be used to direct noise of the daily "open face" work area away from residences
4. All convenience sites shall be free to all Randolph County residents
5. Methane collection system shall be County owned and determined how the gas is sold and shall not be owned/sold by private partner
6. Litter at entry and perimeter roadways will be collected and picked up daily

7. Roadways shall be washed frequently and a washing station shall be provided
8. Mailboxes shall be moved, at the County's expense, if requested by property owners on Henley Country Road and Old Cedar Falls Road
9. The landfill will have 3 liners, with required "protection" layers
10. Landfill will only accept household waste; and monitored at 2 points of inspection - at the arrival and at the "open face"
11. Additional soil required to operate and close the landfill shall be at the expense of the operator
12. Leachate shall not be trucked off site. Pumping station shall be built and ~~maintained to send leachate to the City~~

13. Landfill shall construct left turn land at the entry point on Old Cedar Falls Road with sufficient cue to accommodate estimated truck traffic
14. "Cautionary" type signage (with flashing lights) shall be installed in each direction approaching the landfill entry on Old Cedar Falls Road
15. Speed limit reduced on Henley Country Road to 45 mph
16. Widening of Old Cedar Falls Road in appropriate areas to facilitate safety for additional traffic
17. Pavement at intersection of Old Cedar Falls Road and Henley Country Road shall be provided to accommodate the heavy truck traffic
18. Hours of operation shall be Monday through Saturday and closed on Sunday
19. Establish an enforceable "prescribed" route of all truck traffic and a "hotline" or "tattle tale" number for traffic issues and concerns
20. Specific sight line distance study so traffic can negotiate safely
21. Recycling program established as a component of the landfill
22. County Commissioners work with the Boards of Education to use the facility as a learning tool and establish outreach educational programs and possibly a "green fill" learning center with dashboard type interactive educational presence
23. As we make money a disproportionate amount of the proceeds should be marked

for the School Systems

McLeod said we should require the operator to only hire within the County.

McLeod asked if we needed to give the County time to install a pumping station. **Wilhoit** advised Chairman Pell that he could allow Richard Wells, County Manager, to answer this question. **Wells** said that the disposal of leachate through the city sewer system could be designed in the facility planning and there would be time to install the pumping station prior to the landfill becoming operational. He could answer to all the other conditions mentioned with the exception of the money to the schools. He said that is a Commissioner issue that can only be addressed by the Commissioners. **Wells** said most of these things will be at no cost to the taxpayer and would be the cost of the operator.

Wilhoit advised the Board that the two conditions, moneys to the schools and hire only within the County, could be included as a suggestion but it was his opinion that the Board's authority didn't permit these to be conditions.

Rains said he wasn't giving up on those school funds.

Kirkman asked the Board to change the wording from "household waste" the "MSW waste." **Terrell** explained that "MSW" does not include hazardous, where some household waste can be considered hazardous. **Rains** agreed to change the wording.

Davis said that it is not the authority of this Board to appropriate funds and he would remove that condition.

Rains asked if Saturday hours are the same as weekday hours at the transfer station. **Wells** said that it normally operates ½ day on Saturday, weekdays from 7:30 a.m. to 5 p.m., and closed on Sundays and all major holidays.

Wilhoit advised that this Board is the authority on conditions for Special Use Permit, but the Planning Board can't dictate budgetary spending or hiring conditions.

Rains asked **Wilhoit** if the Board can ask the landfill be used as an educational tool. He asked can we ask the Commissioners to work with the Boards of Education to create outreach educational programs. **Wilhoit** answered yes.

20. **Chairman Pell called for a Motion.**

Rains said that we got this binder and were asked to study it and he did just that. He said he poured over this material and had many questions. He said he is a Boy Scout leader and that he had a lot of boys that he called his, who live in this county. He said that first day he didn't want to see this happen. He said that he believes that what he has been presented is an idea that has been researched. He said that he felt that all of his questions

had been answered to allow this idea to proceed to the next step. For this reason, **Rains made the motion that this request be approved with the following conditions:**

1. Installation of litter fencing like on golf driving ranges to catch trash
2. Animal control measures to provide control of birds, pigs, and other animals the facility attracts
3. Banking of soil is to be used to direct noise of the daily "open face" work area away from residences
4. All convenience sites shall be free to all Randolph County residents
5. Methane collection system shall be a part of the landfill and shall be County owned and determined how the gas is sold and shall not be owned/sold by private partner

6. Litter at entry and perimeter roadways will be collected and picked up daily
7. Roadways shall be washed frequently and a washing station shall be provided
8. Mailboxes shall be moved, at the County's expense, if requested by property owners on Henley Country Road and Old Cedar Falls Road
9. The landfill will have 3 liners, with required "protection" layers
10. Landfill will only accept MSW (municipal solid waste) waste; and monitoring shall be required at 2 points of inspection - at the arrival entry and at the "open face"
11. Additional soil required to operate and close the landfill shall be at the expense of the operator
12. Leachate shall not be trucked off site. Pumping station shall be built and maintained to send leachate to City
13. Landfill shall construct left turn land at the entry point on Old Cedar Falls Road with sufficient cue to accommodate estimated truck traffic
14. "Cautionary" type signage (with flashing lights) shall be installed in each direction approaching the landfill entry on Old Cedar Falls Road
15. Speed limit reduced on Henley Country Road to 45 mph
16. Widening of Old Cedar Falls Road in appropriate areas to facilitate safety for

additional traffic

17. Pavement at intersection of Old Cedar Falls Road and Henley Country Road shall be provided to accommodate the heavy truck traffic
18. Hours of operation shall be Monday through Friday 7:30 a.m. to 5:00 p.m., Saturday 7:30 a.m. to noon and closed on Sunday
19. Establish an enforceable "prescribed" route of all truck traffic to the landfill and establish "hotline" for traffic issues and concerns
20. Specific sight line distance study so traffic can negotiate safely
21. Recycling program established as a component of the landfill
- ~~22. Recommend the County Commissioners work with the Boards of Education to use the facility as a learning tool to establish outreach educational programs and possibly a "green fill" learning center with dashboard type interactive educational presence~~

Phil Ridge seconded the motion. The motion passed by a 5 to 1 vote, with Wayne Joyce voting against the motion.

Johnson announced that an Order will be prepared and presented to the Board at their next regularly scheduled meeting.

21. **Chairman Pell** thanked everyone for their participation in this process and asked for a motion to adjourn.

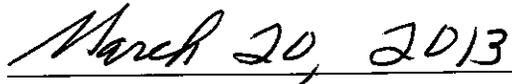
McLeod made the motion, seconded by Davis, to adjourn this meeting. The motion passed unanimously.

The meeting adjourned at 3:35 p.m. There were 132 citizens present for this meeting on Thursday night and 51 citizens on Friday.

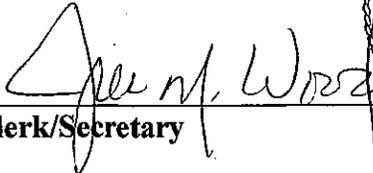
NORTH CAROLINA
RANDOLPH COUNTY



Planning Director



Date



Clerk/Secretary

