

**SOLID WASTE DISPOSAL FRANCHISE ORDINANCE
PERSON COUNTY, NORTH CAROLINA**

ARTICLE I

SECTION 1.0 – AUTHORITY AND ENACTMENT CLAUSE

Pursuant to the authority conferred by North Carolina General Statute §153A-136(a)(3), THE BOARD OF COUNTY COMMISSIONERS OF PERSON COUNTY, NORTH CAROLINA DOES HEREBY ORDAIN AND ENACT INTO LAW THE FOLLOWING ARTICLES AND SECTIONS:

SECTION 1.1 – PURPOSE

This Ordinance is enacted to promote and protect the health, safety and welfare of the citizens of Person County. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will encourage the establishment and continuance of a secure, safe, and economical system of solid waste disposal in the County that will comply with state and federal laws regulating such disposal. It is the further intention of the Board of County Commissioners that this Ordinance has the effect of updating the Person County solid waste disposal franchise ordinance passed on August 7, 1995 only so far as it is necessary to comply with statutory changes enacted subsequent to the passage of the August 7, 1995 ordinance and to authorize an addition within the existing footprint of the Upper Piedmont Regional Landfill known as the “Dawes tract.” This Ordinance shall not have the effect of amending, invalidating or repealing any portion of the agreement entered into by and between Person County and Republic Services of North Carolina, LLC dba Upper Piedmont Environmental (“Republic”) dated August 7, 1995.

ARTICLE II

SECTION 2.0 – TITLE

This Ordinance shall be known and may be cited as The Person County Solid Waste Disposal Franchise Ordinance.

ARTICLE III

SECTION 3.0 – GRANT OF MUNICIPAL SOLID WASTE LANDFILL FRANCHISE

To enable secure, safe and economical disposal of solid waste in Person County, Republic is granted an exclusive franchise to operate in Person County a municipal solid waste landfill as defined in 15A NCAC 13B.1602 (hereinafter referred to as the “Upper Piedmont Regional Landfill” or the “Landfill”) and an addition within the existing footprint of the Landfill known as the “Dawes tract” (hereinafter referred to as “the Addition”) for a period through and including June 30, 2017. No other person or entity may operate a municipal solid waste landfill in Person County during this period.

SECTION 3.1 – DESCRIPTION OF MUNICIPAL SOLID WASTE LANDFILL

The Landfill consists of 479.69 acres, located in the Tirzah Township approximately 10 miles east-southeast of Roxboro, North Carolina at the intersection of North Carolina Highway 158 and SR 1724 near the Person County/Granville County line. The legal description, deed book references and plat book references for the Landfill are provided on Exhibit A. The existing permitted cells of the Landfill consist of 69.52 acres. The Addition, consisting of 39.53 acres, is located within the existing footprint of the Landfill, directly south and adjacent to the existing permitted cells of the Landfill. The Landfill, the existing permitted cells of the Landfill, and the Addition are depicted on Exhibit B.

SECTION 3.2 – DESCRIPTION OF FRANCHISE

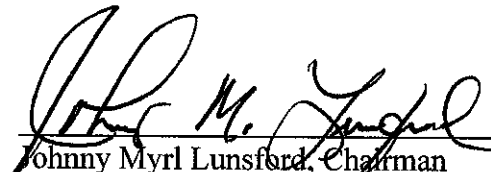
- 3.2.1 Population and Geographical Area Served. The geographical area served by the Landfill is the incorporated and unincorporated areas of any county which is partly or wholly within sixty (60) miles of the political boundary of Person County. Counties within this geographical area are the North Carolina counties of Alamance, Caswell, Chatham, Davidson, Durham, Edgecombe, Forsyth, Franklin, Granville, Guilford, Halifax, Harnett, Johnston, Lee, Moore, Nash, Northampton, Orange, Person, Randolph, Rockingham, Stokes, Vance, Wake, Warren, and Wilson, and the Virginia counties of Patrick, Henry, Halifax, Mecklenburg, Brunswick, Greensville, Franklin, Bedford, Campbell, Charlotte, Lunenburg, Amherst, Appomattox, Buckingham, Cumberland, Prince Edward, Nottoway, Pittsylvania and Dinwiddie. However, it is expressly provided herein that the Landfill shall not accept waste collected by the Cities of Durham and Raleigh, North Carolina without the consent of the Board of County Commissioners. The population to be served shall be all persons and entities within the above geographical area, including residential, municipal, industrial, institutional and commercial customers and contractors.
- 3.2.2 Volume and Characteristic of Waste Stream. The volume of waste in the Landfill is approximately 3,913,043 cubic yards. The remaining capacity of the Landfill under the existing permit is approximately 3,969,616 cubic yards. The Landfill has an average maximum disposal rate of 660 tons per day, 365 days per year, or 240,900 tons per year. The Landfill accepts municipal solid waste, non-hazardous commercial, industrial and institutional waste and other non-hazardous special waste types, but shall not accept highly flammable substances, Hazardous Waste as said term is defined under Subtitle C of the Resource, Conservation and Recovery Act, liquid wastes, certain pathological and biological wastes, explosives, radioactive materials, or any other waste prohibited from disposal in municipal solid waste landfills by applicable environmental law or prohibited by any of the terms and conditions of any permits, licenses or approvals obtained with respect to Upper Piedmont Environmental's operation of the Landfill.
- 3.2.3 Life Expectancy. The Landfill and Addition is expected to have a useful life of forty (40) years.

- 3.2.4 Consistency with Solid Waste Management Plan. To ensure that the operation of the Landfill is consistent with Person County's solid waste management plan required under N.C.G.S. § 130A-309.09A, Upper Piedmont Environmental accepts municipal solid waste at the Landfill pursuant to this franchise and by agreement with the County. Further, Upper Piedmont Environmental assists Person County in attaining its waste reduction, reuse and recycling goals by operating scrap tire, white goods, used motor oil, and lead-acid battery collection sites at the Landfill.
- 3.2.5 Government Oversight and Regulation of Fees. Person County oversees and regulates solid waste disposal fees (both residential and commercial) by way of agreement with Upper Piedmont Environmental, Inc.'s successor entity, Republic. All such tipping fees are a flat, per ton rate subject to an annual consumer price index adjustment. This franchise shall not by its terms impair the authority of the County to regulate fees as authorized by law. This Ordinance does not, in itself, regulate solid waste disposal fees.
- 3.2.6 Facility Plan. The facility site plan for the Landfill (including the Addition) is attached to this Ordinance as Exhibit C and meets all requirements of N.C.G.S. § 130A-294(b1)(2)(f). Included within the attached facility site plan are drawings depicting the following: (1) dimensions and the vertical contours of the landfill units in the Landfill; (2) dimensions and the vertical contours of the landfill units in the Addition; and (3) dimensions and vertical contours of the filled areas of the Landfill.

ARTICLE IV

SECTION 4.0 – EFFECTIVE DATE

This Ordinance shall become effective on October 19, 2009.



Johnny Myrl Lunsford, Chairman
Person County Board of Commissioners



Brenda B. Reaves
Clerk to the Board