

Item Title: Public Hearing and Request from Shotwell Landfill, Inc. for Amendment of Construction and Demolition Debris Landfill Franchise (First Reading)

Specific Action Requested:

That the Board of Commissioners holds a public hearing and considers Shotwell Landfill, Inc.'s request to amend their existing landfill franchise to allow processing of a permit amendment through NCDEQ of the Shotwell Environmental Park.

Item Summary:

Purpose: The Board of Commissioners considers amendments to construction and demolition franchises, per Wake County Ordinance 50.22.

Background: The Wake County Solid Waste Ordinance requires that all construction and demolition debris (C&D) landfills obtain a franchise from the County before operating. Once the franchise has been granted, the landfill owner must request a franchise amendment if the landfill owner desires to modify or change the conditions specified in the standing franchise.

This request for a franchise amendment is for the existing Shotwell Environmental Park, located at 4724 Smithfield Road, near Wendell, NC. The Applicant is working towards approval from NCDEQ to permit a lateral expansion of the existing disposal footprint to include an additional 11.25 acres. The overall facility property boundary will remain unchanged; only the disposal footprint within the existing property is proposed to increase by 11.25 acres.

Based upon review of the current C&D Franchise Ordinance, the Shotwell Landfill request meets the requirements in order to be considered for an amended C&D Franchise, subject to a public hearing and a second reading.

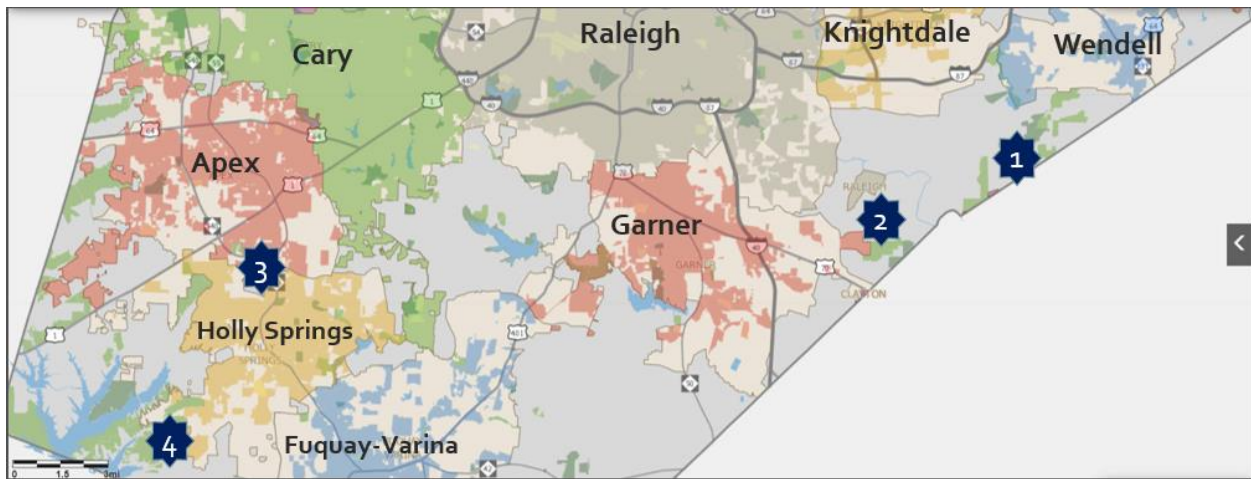
Strategic Plan: This action supports routine County business.

Fiscal Impact: No impact on the County budget.

Additional Information:

The Wake County Franchise For Construction And Demolition Debris Landfills in the Solid Waste Ordinance (50.22) provides requirements for the owners of construction & demolition (C&D) landfills to follow for proposed or existing C&D landfills. It is important to note that C&D landfills cannot accept regular household waste/garbage. Landfills that accept regular household & commercial waste/garbage, like the County's South Wake Landfill, are called Municipal Solid Waste (MSW) landfills. C&D landfills serve an important function in providing a place for C&D debris for the development and

renovation community. In Wake County there are currently four (4) C&D landfills with franchises located as shown on the following map and with the details of each franchise in the chart below:



FACILITY	ANNUAL THRESHOLD (Tons)	COUNTIES IN SERVICE AREA
1 - Shotwell	365,000	8
2 – Brownfield	401,500	16
3 - Greenway	300,030	8
4 - Red Rock	730,000	59

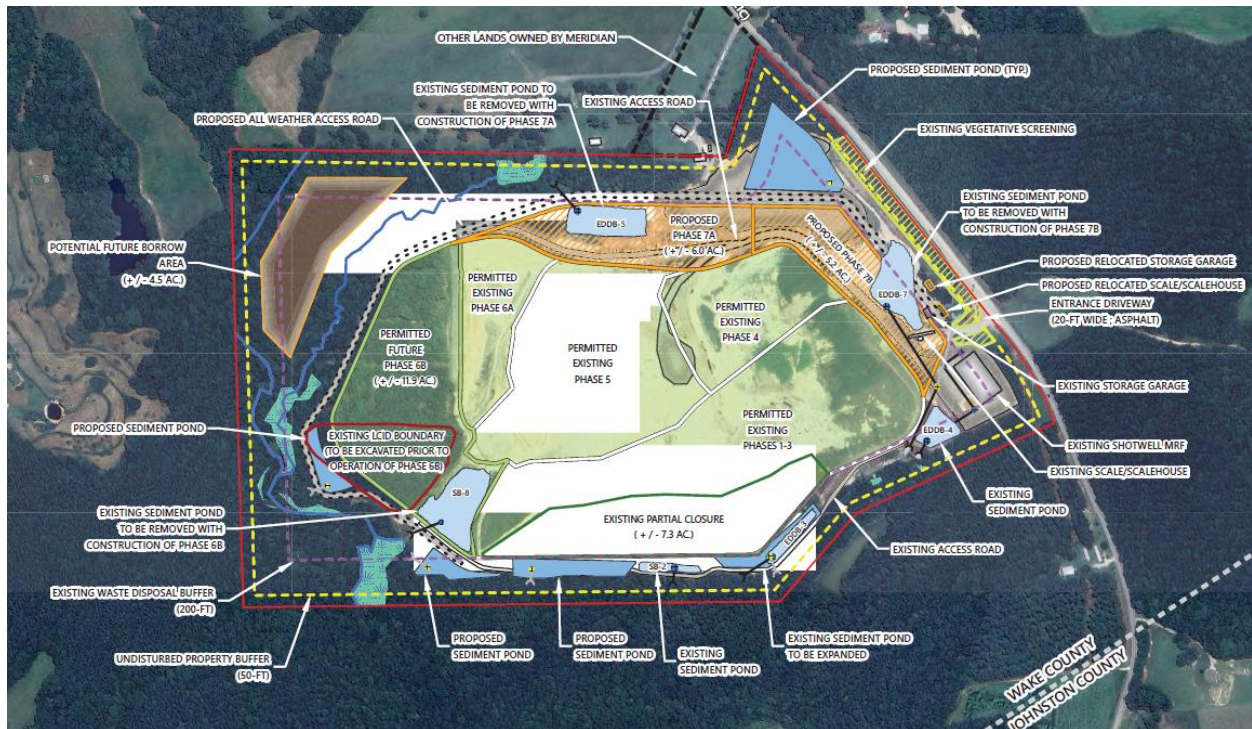
The annual threshold represents the maximum amount of C&D waste that the facility can receive on an annual basis and the service area represents the number of counties (typically surrounding counties) that the facility can accept waste from.

Previous Board of Commissioner’s approvals related to the Shotwell Landfill/Shotwell Environmental Park are as follows:

1. July 2000 – Approved initial franchise request.
2. November 2003 – Approved amendment requesting an increase in tonnage threshold.
3. September 2006 – Approved amendment to increase the franchise service area and disposal volume per year (to Wake and Johnston Counties with a maximum of 91,250 tons/year)
4. May 2022 – Approved request to increase annual tonnage disposal volume (365,000), add six counties (Durham, Granville, Franklin, Nash, Harnett and Chatham) to the service area and construct a material recovery facility (MRF) for the purpose of recycling construction and demolition waste.

Current Franchise Amendment Request

The current franchise for the Shotwell Environmental Park was approved by the Board of Commissioners in May of 2022, as stated above in item 4. The currently proposed amendment request is associated with Shotwell's desire to extend the life of their landfill by 4 years with a lateral expansion of the landfill of 11.25 acres on their existing property as shown in the following map (expansion area if the orange hatched area):



Note that the application is attached and follows the requirements of the C&D Franchise ordinance 50.22, including letters from various entities regarding the site's current NC DEQ C&D landfill permit, their existing Wake County Special Use Permit and septic and stormwater permitting. All of the above items are currently in compliance. Do note that the material recovery facility that was approved as part of their 2022 franchise amendment has been constructed and is in the early stages of operation. They expect that facility to be fully operational by the end of this calendar year.

It should be noted that if this request is approved by the Board of Commissioners, the applicant will still have two major steps to take before this would be fully approved. The next step after the BOC would be an application to the Board of Adjustment for an updated Special Use permit. If that is approved, then they will have to submit a request to NC DEQ for a permit revision for the design, construction and eventual operation of the proposed landfill facilities.

Some other items noted by the applicant in their application package are as follows:

1. The landfill only accepts C&D material and is not seeking to add any new types of waste.

2. The landfill currently operates and receives waste on Monday thru Friday from 7:00 AM until 5 PM and on Saturday from 8 AM until noon with maintenance activities on-site on Saturdays occurring up until 4 PM. No changes planned as part of this process.
3. The franchise amendment request does not seek to increase the annual volume of waste received or expand the franchise service area (places from which waste can be accepted).
4. This request does seek to expand its footprint (on land they currently own) that is currently approved by the permit with NC DEQ.
5. There are no existing violations of permits, ordinances or regulations governing the Shotwell Landfill enforced by Wake County Environmental Services or NC Department of Environmental Quality.

The current C&D Landfill Ordinance, the Shotwell franchise amendment request letter, affidavit of public hearing notice and presentation are attached for review and consideration.

Solid Waste Ordinance Requirements

The Applicant has complied with the public notice requirements in the County's ordinance to allow a public hearing to be conducted on June 16, 2025. State law requires that a franchise ordinance be approved at two regular meetings before it can be adopted. Today's action on this item will be considered the Board's first reading of the Applicant's franchise amendment request and, if approved, this item will be placed on a subsequent agenda for a second reading.

Attachments:

1. Presentation
2. Wake C&D Franchise Ordinance 50.22
3. Shotwell Franchise Amendment Letter
4. Affidavid of Public Notices