

**Item Title:** Public Hearing and Request from Greenway Waste Solutions of Apex, LLC for Amendment of Their Existing Construction and Demolition Debris Landfill Franchise (First Reading)

**Specific Action Requested:**

**That the Board of Commissioners holds a public hearing and considers Greenway Waste Solutions of Apex, LLC (GWSA), request to amend their existing landfill franchise to increase the service area from Wake County to include Harnett, Chatham, Durham, Granville, Franklin, Johnston, and Nash counties, to allow them to request that NC Department of Environmental Quality (DEQ) increase the overall tonnage that the facility can accept and to construct and operate a construction and demolition waste material recovery facility (MRF).**

**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 is for a franchise amendment for the Greenway Waste Solutions of Apex, LLC (GWSA) construction and demolition debris landfill located at 5940 Old Smithfield Road in Apex, NC. The Applicant is requesting three changes:

1. Construct and operate a new construction and demolition waste material recovery facility (MRF);
2. increase the franchise service area to include seven additional counties beyond Wake County;
3. Increase the total (not annual) tonnage the facility can accept and needs the County to approve/allow them to submit such a request to NC DEQ.

Staff recommend approving the request. If approved, the request will be placed on the consent agenda of the July 11, 2022 regular meeting, for a second reading.

**Board Goal:** This action supports routine County business. Adding a material recovery facility (MRF) in Wake County supports the 2020 Comprehensive Solid Waste Management plan by recycling construction and demolition material.

**Fiscal Impact:** None on the County budget.

**Additional Information:**

GWSA is requesting consideration of their request based upon the population growth in Wake County since their initial franchise agreement in 2001, the equity of counties from which their waste can originate from compared with other construction and demolition debris landfills in Wake County and their request to build a material recovery facility to help the County meet its waste diversion and recycling goals.

Previous Board actions related to the GWSA landfill are as follows:

1. November 2001 – Conducted a public hearing and approved franchise request (initial reading).
2. December 2001 – Second reading of initial franchise (approved).
3. February 2012 – Name change accepted from Highway 55 C&D Landfill, LLC to current name.

**Current Franchise Amendment Request**

The existing franchise for the GWSA Landfill was approved by the Board of Commissioners in December of 2001, and authorizes the owner to accept for disposal up to 300,030 tons of waste per year, and that the waste can only be received from Wake County. In the current franchise amendment request, the Applicant requests the following changes:

1. Increase the franchise service area to include seven additional counties: Harnett, Chatham, Durham, Granville, Franklin, Johnston, and Nash.
2. Construct and operate a construction and demolition waste material recovery facility (MRF) for the purpose of recycling construction and demolition waste.
3. Increase the total (not annual) tonnage the facility can accept from 3,124,000 cubic yards to 3,686,700 cubic yards (18% increase). Though not a specific requirement of their franchise with the County, NC General Statutes require that the County approves/allows them to submit such a request to NC DEQ.

It should be noted that if this request is approved by the Board of Commissioners, the applicant will then have to submit a request to NC DEQ for a permit revision incorporating these elements.

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

1. Letters are included from Wake County Planning and Inspections, the Town of Apex Planning and Wake County Environmental Services documenting compliance with Special Use Permitting and stormwater, water/sewer and erosion control.
2. Letters and documentation are included from NC DEQ documenting GWSA's compliance with landfill permitting, including having recently resolved some prior NOV issue/concerns.
3. One stated purpose of the franchise amendment request is to expand the franchise service area to be more in keeping with the other similarly sized construction and demolition debris landfills in Wake County. The other three C&D landfills in Wake

County currently have significantly larger franchise service areas than the Applicant as shown in the chart below:

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

The current C&D Landfill Ordinance, the full application and affidavit of public hearing notice 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 21, 2022. 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. Letter from Applicant
3. Franchise Amendment Application
4. Affidavit of Public Notice