



May 12, 2022

Wake County Environmental Services Department  
P.O. Box 550  
Raleigh, NC 27602

Attn: Mr. John Roberson,

Re: Proposed Franchise Agreement Revision  
Greenway Waste Solutions of Apex, LLC  
Apex, North Carolina  
Solid Waste Facility Permit Number 92-30

Dear Mr. Roberson:

Greenway Waste Solutions of Apex, LLC (GWSA), formerly Highway 55 C&D Landfill (name change effective 2/18/11) operates a construction and demolition debris landfill located at 5940 Old Smithfield Road in Apex, NC. GWSA is submitting this Franchise Amendment Application for the purpose of obtaining an updated franchise agreement to reflect the following proposed franchise amendments:

1. Increase the amount of overall tonnage that the facility can accept from 3,124,000 cubic yards to 3,686,700 cubic yards. This requested tonnage increase will allow for the landfill facility to continue serving Wake County as a solid waste disposal facility and will provide additional revenue needed to fulfill Material Recovery Facility (MRF) design and permitting. Though not a specific requirement within the Wake County Solid Waste Ordinance, this item is being considered as a pass-through item associated with Greenway's NC DEQ permit requirements.
2. Construct and operate a MRF to divert recyclable material from the landfill for beneficial re-use, thereby increasing the useful life of the landfill facility. The proposed MRF will include a waste sorting operation, which provides a higher rate of recovery and a more efficient means to source segregate materials to be recycled. The MRF will result in a larger percentage of beneficial re-use materials available as well as increasing the recycling options for residents and businesses in accordance with Plan Priority 2 of the Wake County 2020 Comprehensive Solid Waste Management Plan.
3. Expand the geographic service area of the landfill facility to include Wake County as well as all contiguous counties, including Harnett, Chatham, Durham, Granville, Franklin, Johnston, and Nash. These adjacent counties would have the ability to participate in waste diversion practices at the proposed MRF as recycling mandates and regulations require more waste recovery and segregated material re-use.

The requirements outlined in Paragraph D, Section 50.22, Chapter 50 of the Wake County Code of Ordinances are outlined and addressed as noted below. Ordinance requirements are *italicized*, with responses provided in **bold**.

(6) *A transmittal letter that highlights the requested changes by comparing the key points of the existing franchise to the requested revision;*

**Please see above numbers 1 through 3 of this application for highlights of the requested changes to the existing franchise agreement.**

(7) *The name and address of the applicant and owner of the landfill site;*

**Applicant and Owner Name and Address:** \_\_\_\_\_ **Greenway Waste Solutions of Apex, LLC**  
\_\_\_\_\_ **19109 W Catawba Ave, Suite 110**  
\_\_\_\_\_ **Cornelius, NC 28031**

(8) *The trade or other names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of incorporation stating such name;*

**The applicant does business under Greenway Waste Solutions of Apex, LLC, and formerly under Highway 55 C&D Landfill (name change effective 2/18/11). Please see Attachment A of the provided *Application For Construction And Demolition Debris (C&D) Landfill Franchise Revision And Recycling Facility* for the Amendment of Articles of Organization.**

(9) *All information required under G.S. § 130A-294(b1)(2);*

**Please see the provided *Application For Construction And Demolition Debris (C&D) Landfill Franchise Revision And Recycling Facility*.**

(5) *A letter from the Wake County Planning Development and Inspections Division stating:*

- (a) *That to its knowledge there are no existing violations of the permits, ordinances, and regulations governing the C&D landfill that the Division enforces, including but not limited to the special use permit*
- (b) *Whether or not the proposed franchise change would require action from the Wake County Board of Adjustment to modify the special use permit.*

**Please see Attachments 2 and 3 of the provided *Franchise Application Revision Documents*. The Wake County Department of Planning, Development, and Inspections indicated that the GWSA C&D Landfill was transferred to the Town of Apex's extraterritorial planning jurisdiction in 2007. Therefore, a determination of zoning compliance was deferred to the Town of Apex. The Town of Apex Planning and Community Development Department letter (Attachment 3) indicates that the proposed amendments will not require a modification to the special use permit.**

(6) *A letter from the Wake County Environmental Services Department stating that to its knowledge there are no existing violations of the permits, ordinances, and regulations governing the C&D landfill that the Department enforces, including but not limited to well, septic, sedimentation and erosion control, and grading permits;*

**Please see Attachment 4 of the provided *Franchise Application Revision Documents*. The Wake County Environmental Services Department indicated that the GWSA C&D Landfill was transferred to the Town of Apex's extraterritorial planning jurisdiction. The Town of Apex Water Resources**

**Department letter indicates that the GWSA facility is in compliance with all applicable water, sewer, and erosion control permits, ordinances, or regulations governing the property.**

*(7) A letter from every section of the North Carolina Department of Environment and Natural Resources (NCDENR) that has issued a permit to the C&D landfill stating that to its knowledge there are no existing violations of the permits, statutes, and regulations governing the C&D landfill that that section of NCDENR enforces;*

**Please see Attachments 5, 6, and 7 of the provided *Franchise Application Revision Documents*. The Solid Waste Section letter (Attachment 5) indicates that the GWSA facility is operating in accordance with the applicable laws, rules, and permits governing solid waste. Attachment 6 is a Solid Waste Section inspection report indicating that a recent NOV has been resolved. The Division of Energy, Mineral, and Land Resources (DEMLR) issued a letter (Attachment 7) indicating that a recent Notice of Deficiency has been resolved, and that the GWSA facility is in compliance with the landfill and composting permits held by the facility.**

*(8) A copy of all federal, state, or local notices of violation (NOV) the C&D landfill has received in the previous five years;*

**Please see Attachment 8 of the provided *Franchise Application Revision Documents*. The facility received one Notice of Violation (NOV) within the past 5 years. An inspection report indicating that the NOV has been resolved on October 27, 2021 is provided at the end of Attachment 8.**

*(9) A copy of all inspection reports from any NCDENR inspection during the previous five years;*

**Please see Attachments 9 and 10 of the provided *Franchise Application Revision Documents* for all Solid Waste Section and DEMLR inspection reports, respectively.**

*(10) A copy of the five most recent reports submitted to NCDENR reporting the total annual tonnage received at the C&D landfill and the geographic origin of the tonnage; and*

**Please see Attachment 11 of the provided *Franchise Application Revision Documents*.**

*(11) Evidence that the Wake County Board of Adjustment has modified or reissued the special use permit for the C&D landfill if required in division (D)(5) above.*

**Not applicable—please see (5) above.**

Additionally, GWSA has provided the current rate and fee schedule for disposal of C&D waste as well as the *Major Permit Modification Application*, prepared by Civil & Environmental Consultants, Inc., as Attachments 12 and 13 of the provided *Franchise Application Revision Documents*. Please contact me if you have any questions or require any additional information.

Sincerely,



John Brown  
Chief Operating Officer