

**CONDITIONS
FOR
WASTE MANAGEMENT OF VIRGINIA, INC.
SPECIAL EXCEPTION PERMIT
FOR LANDFILL USE**

Whereas, the Amelia County Board of Supervisors ("Board") originally approved a Conditional Use Permit for the construction and operation of the solid waste landfill located on 20221 Maplewood Road on July 11, 1990;

Whereas, the Board has determined that the 1990 CUP is in need of updating based upon changes to applicable state laws and regulations, and based upon various changes in circumstances in the solid waste disposal market and the operation of Maplewood Landfill during the past 23 years; and

Whereas, upon application filed on February 25, 2013, by Waste Management, Inc. ("WM"), the operator of the Maplewood Landfill, and all due consideration thereof, including public notice and hearing, the Board has determined that amendments to the 1990 CUP as contained in the application and as set forth herein are in the best interest of the public health, safety and welfare of the County, its citizens and businesses.

Now therefore, be it Resolved by the Amelia County Board of Supervisors, that the Board hereby approves Application No.022513001 filed by Waste Management, Inc., and be it

Further resolved, that the 1990 CUP is hereby amended and replaced in its entirety by this Special Exception Permit ("SEP").

Construction

1. Permittee shall construct and maintain the landfill in a good and workmanlike manner and shall operate the same in accordance with the highest standards of the industry.

Compliance

2. Permittee shall locate, permit, construct and operate the landfill and all accessory uses permitted hereunder in such a manner as to comply with all United States Environmental Protection Agency ("EPA") Subtitle "D" Regulations, if and when applicable, and the Virginia Department of Environmental Quality ("VDEQ") regulations and all other federal, state and local statutes and regulations.

County Inspection and Reporting

3. Permittee shall allow the County's landfill inspectors access to the landfill at times and Permittee shall promptly notify the inspector(s) of all changes in operating hours.

4. Permittee shall allow the County's landfill inspectors access to any and all portions of the landfill and continue to provide them an office on site.

5. Permittee shall provide to and allow review by the County's landfill inspectors all books, records or logs kept at the landfill and relating to operation of the landfill (except financial records). The County's landfill inspectors shall give Permittee not less than two (2) hours advance notice of his/her desire to review books and records other than daily logs.

6. Permittee shall allow the County's landfill inspectors to stop any vehicle bringing waste on-site for disposal entering the landfill and to inspect the same.

7. Permittee shall allow the County's landfill inspectors to inspect any face of any cell and to review all work undertaken at the landfill.

8. Permittee shall allow the County's landfill inspectors to participate in the taking of any and all samples of waste, surface water, leachate or groundwater at the landfill, and Permittee shall not take any such sample without first offering the inspector an opportunity to observe such sampling and obtain split samples if the inspector so desires.
9. In the event the County's landfill inspector(s) desires a sample of surface water, leachate, groundwater or otherwise, written notice will be provided the landfill manager, or in his/her absence, the person supervising the landfill operations. Permittee shall have 24 hours (or such longer period as agreed to by the County's landfill inspectors) in which to provide personnel or contractors to take such samples, in the presence of the County's landfill inspector and provide the same to the County. Split samples may be kept on behalf of Permittee. In the event Permittee has not provided such personnel or contractor within the applicable period of time, then the County may proceed with the desired sampling, using an engineering firm previously approved by Permittee (which approval shall not be unreasonably withheld or delayed) and following Permittee's reasonable procedures for obtaining such samples. The County shall bear the cost of obtaining such samples, provided that charges from Permittee or its contractor shall not exceed the charges which would be incurred from the use of the third party engineers. Notwithstanding the foregoing, the County landfill inspectors may take samples of waste proposed for disposal in the landfill at the gatehouse or on the face of the landfill at any time, without advance notice to Permittee.
10. Permittee shall promptly provide to and allow review by the County's landfill inspectors all test results and reports obtained in connection with the landfill.
11. In the event Permittee is notified of any violation of applicable federal, state or local laws, regulations or permit conditions, Permittee shall promptly notify the County's landfill inspectors thereof.
12. Permittee shall keep records of all waste received, and the County shall have the right to inspect and audit (subject to Condition Number 5) the same insofar as they pertain to the operation of the landfill. The records shall show the type, weight, source and volume of solid waste received, deviations made from the plan of operation, those parts of the landfill then under use, drawings of the actual surveyed location of all construction elements of the landfill and receipt records.
13. Permittee shall provide such records to the County as requested, electronically.
14. Permittee shall provide the County with an annual summary of the calendar year's reports. Not later than March 1 of each year, Permittee shall deliver to the County a certificate of an officer of Permittee certifying the previous year's tonnages and receipts.
15. All reports and certificates received from Permittee shall be public information subject to the normal disclosure laws of the Commonwealth of Virginia.
16. Prior to operation Permittee shall submit a plan for at least five years of operations (throughout the life of the landfill) to the County Administrator outlining the scope of areas expected to be disturbed within such period, the anticipated layout of improvements, and the physical site modifications anticipated during such period in order to comply with applicable statutes, ordinances and regulations and this permit. Permittee shall submit a new plan prior to any significant deviation from the then current plan. Such plans shall be subject to administrative review and approval by the County Administrator for compliance with this permit and the ordinances of the County. The County Administrator shall be notified of any deviation from the then current plan and shall have 30 days to respond and in the event the change is significant shall have 90 days to complete the review and approval for compliance with this permit and the ordinances of the County. Failure to respond within said time shall allow Permittee to proceed upon notification to the County.
17. Permittee shall supply the County with copies, on a monthly basis, of all of Permittee's inspection reports, monitoring data and disposal arrangements for removed loads. Loads which are rejected at the gate shall be so identified.
18. RESERVED
19. All of Permittee's monitoring well drilling logs shall be retained and made available at the County's request.

20. RESERVED

21. Permittee shall test leachate from the landfill not less than annually and analyze such leachate for parameters required by the disposal facility. The County shall promptly be provided copies of such analysis.

22. RESERVED

23. RESERVED

24. For each truck or train carload of solid waste originating outside the County of Amelia, Permittee shall provide a gate log certified by the landfill manager or in his/her absence his/her designee that such load was inspected by Permittee either upon entry to the landfill or on the face of the landfill and that to the best of Permittee's knowledge, having followed Permittee's normal and reasonable procedures, the same does not contain any hazardous wastes. In lieu of such certification, Permittee may provide a certificate that the load was inspected at the origin or transfer station, provided such certificate is signed by a representative of Permittee actually present at the inspection and states that to the best of Permittee's knowledge, having followed Permittee's normal and reasonable procedures, the load does not contain any hazardous wastes. These certificates shall be available for County review at any time.

25. For each truck or train carload of ash proposed for deposit in the landfill, Permittee shall have followed the procedures for testing set forth in a Special Waste Quality Assurance Plan, approved by VDEQ. Permittee shall retain and have available for inspection by the County landfill inspectors (pursuant to Condition Number 5) all test results and other information furnished to VDEQ pursuant to the Special Waste Quality Assurance Plan.

26. For industrial waste streams originating outside the County of Amelia and proposed for deposit in the landfill, Permittee shall obtain and maintain a copy of test results showing that such industrial waste stream has been tested in accordance with EPA and VDEQ standards and does not have the characteristics of a hazardous waste. These certificates shall be available for County review at any time. Permittee shall visually inspect each truck or train carload and shall retest such waste stream in the event of any significant changes in the visual characteristics of such waste stream.

27. Permittee and the County of Amelia shall encourage recycling of all waste loads prior to their delivery to the landfill for disposal.

28. Permittee shall provide the County with an annual report on the results of the recycling undertaken in connection with the landfill including but not limited to the volume, outlets for materials, receipts and expenses.

Cell Construction

29. Cell construction shall be in accordance with Permittee's permit and shall be in accordance with all current applicable local, state and federal laws and regulations. Cell-construction shall include, but need not be limited to, a combination of the following: a bottom or secondary composite liner (clay or bentonite-clay mat and synthetic liner), a monitoring zone, a top or primary composite liner (clay or bentonite-clay mat and synthetic) [to the extent a composite is allowed by VDEQ for such layer] and a leachate collection system adequately designed to allow identification of the phase from which the leachate is collected, all of which shall be in accordance with VDEQ regulations.

30. RESERVED

31. Permittee agrees to provide third party quality assurance of each liner system (including industry accepted or any new proven leak detection technology if requested by the County) and allow a State (if the State so requests) and a County representative to examine the work on a daily basis during the construction of the site.

32. RESERVED

33. Asbestos shall be deposited in accordance with VDEQ regulations.

County Comprehensive Solid Waste Management Plan

34. Permittee shall assist the County in the compliance with a County Comprehensive Solid Waste Management Plan as required by VDEQ.

Recycling

35. Permittee shall assist the County in meeting all recycling mandates as established by VDEQ, and as established by the County's Solid Waste Management Plan.

36. All solid waste originating from outside the Commonwealth of Virginia shall have already been subjected to that state's recycling requirements. At such time as state or federal regulations mandate, Permittee shall abide by recycling regulations required of them.

37. Permittee shall construct, permit, operate and maintain a recycling drop-off center at the landfill capable of managing the recycling (in accordance with the Code of Virginia S10.1-1411) of newspapers, mixed paper, aluminum, steel and tin cans, glass, ferrous and non-ferrous scrap metal, white goods, used oil, car batteries, cardboard and plastics. Permittee shall arrange for the recycling of such materials. Plans for the recycling center shall be submitted to and subject to reasonable approval by the County Administrator. Failure to respond within 30 days shall be deemed approval.

38. Permittee shall construct recycling drop-off stations at each convenience center constructed by Permittee in order to manage newspapers, mixed paper, cardboard, aluminum, steel and tin cans, plastic bottles and glass containers and any other materials that become the standard for recycling. The plans for such centers shall be submitted to and subject to reasonable approval by the County Administrator. Failure to respond within 30 days shall be deemed approval.

39. The hours of the recycling drop-off center at the landfill shall be convenient and designed to encourage use, and shall be open during all hours of landfill operation. Permittee agrees to cooperate in good faith with the County and agrees to consult with and provide technical expertise to the County to insure compliance with S10.1-1411 of the Code of Virginia and to make such reasonable modifications in recycling operations as the County shall request provided the same are without additional cost to Permittee.

40. Permittee has established and agrees to continue a permanent household hazardous waste collection program for the County.

41. The household hazardous waste program shall be organized, promoted and policed by the County, directing the delivery of household hazardous waste to a central collection point. Permittee shall arrange the transportation and disposal of such wastes, subject to County approval, but the County shall be responsible for signing any manifests in connection with such transport and disposal. Permittee shall bear the cost of the transportation and shall bear the cost of disposal.

Permitted Accessory Uses

42. No accessory uses or any other use other than the landfill use shall be permitted unless authorized by the applicable County zoning provisions or specifically authorized by this Special Exception Permit or the Agreement. In addition to the use of the property as a landfill, Permittee may utilize the property for:

- a) Signs in accordance with the terms of this SEP;
- b) A maintenance garage for service of up to five (5) bays located in accordance with operation plans approved by the County in accordance with the terms hereof;
- c) A wastewater treatment facility of at least sufficient capacity to process any and all leachate generated by the landfill and providing such additional capacity as Permittee shall deem appropriate, provided, however that (i) such facility and its outfall shall be located in accordance with the Design Plans, (ii) such facility shall have received all necessary permits from the Virginia Department of Health and the VDEQ prior to commencement of

construction, (iii) the operation of such facility shall be in conformance with all applicable federal, state and local rules, regulations, statutes, ordinances and permits;

d) A cogeneration facility which (i) utilizes gases from the landfill as its primary fuel and does not involve the incineration of waste, and (ii) is located and designed in accordance with plans approved by the Amelia County Board of Supervisors.

e) A recycling center in accordance with the requirements of this SEP and additional recycling facilities located and designed in accordance with plans approved by the Amelia County Board of Supervisors.

f) Crushed Stone and Gravel Operation: A mobile rock crusher may be used to only crush rock excavated during cell construction one day per week on a Tuesday, Wednesday or Thursday between 10:00 am and 2:00 pm. The crushed rock may be used for on-site purposes or given to the County.

Acceptable and Unacceptable Wastes

43. Permittee shall obtain the necessary state and federal permits to accept "municipal solid waste," "agricultural waste," "debris," "construction waste," "demolition waste," "inert waste" and "asbestos" as such terms are defined by VDEQ. Permittee shall not be obligated to accept for disposal any material not allowed for disposal by its permits from VDEQ or EPA. Permittee may refuse to accept any waste which does not conform to any applicable law, regulation, rule or permit condition, or that is hazardous or toxic, even if only part of the waste load is nonconforming.

44. RESERVED

45. Permittee shall not accept for disposal in the landfill any of the following ("Unacceptable Wastes"):

a) Any solid waste not within the categories described in 43 above;

b) Any "infectious waste or "radioactive waste," as such terms are defined by federal and state statutes and regulations;

c) Any material which is toxic, pathological, highly flammable, explosive or otherwise reasonably determined to be dangerous;

d) Any material the disposal of which in the landfill would violate applicable federal or state laws, rules, regulations or permits;

e) Any "hazardous waste" which shall be deemed to be: (i) any waste defined as "hazardous waste" by Subtitle C of the Resource Conservation and Recovery Act, (ii) any waste defined as "hazardous waste" by VDEQ's Hazardous Waste Management Regulations, or (iii) solid waste, which because of its quantity, concentration, or physical, chemical or infectious characteristics, in the reasonable opinion of qualified health officials may cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health, the landfill or the environment when treated, stored, transported, disposed of or otherwise managed;

f) Any non-hazardous domestic irrigation return flows or industrial wastewater sludges not approved for disposal by VDEQ regulations or industrial discharges which are point sources subject to permits under S402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or any subsequent amendment;

g) Any nuclear or nuclear by-product material as defined by the Atomic Energy Act of 1954, as amended (86 Stat. 923), or any subsequent amendment, and

h) Any material number of animal carcasses disposed of in a single day without specific written approval by the County Administrator or his designee.

Response to Deposit of Unacceptable Wastes

46. In the event that Unacceptable Wastes are deposited in the landfill, Permittee shall promptly remove or cause to be removed the Unacceptable Waste from the landfill and cause the same to be disposed of in accordance with applicable federal, state and local laws.
47. In the event that Unacceptable Wastes are deposited in the landfill, VDEQ and the County shall be notified immediately and a written report shall promptly be prepared and sent to the County. If the vehicle disposing of such waste is known or has not left the site, then immediate notice shall be served on the owner of the vehicle together with instructions to promptly remove and dispose of the Unacceptable Waste. In the event such waste is not removed and all appropriate response actions completed within 24 hours then Permittee shall, with the VDEQ as necessary and appropriate, remove and dispose of the waste and further assist VDEQ in the prosecution of the culpable parties.

Waste Generated in Amelia

48. Permittee shall dispose of, without charge or cost to the County or its residents, all residential solid waste generated within the County by residents of the County, which is delivered to the landfill by individuals, by contractors hired by the County for collection from green-boxes or by private haulers who certify that they have picked up only waste which is entitled to be disposed of without charge, pursuant to the above-stated conditions, or delivered by residents of the County to any of the convenience centers established to accept solid waste.
49. Permittee shall dispose of, without charge or cost to the County or its businesses, all commercial solid waste generated within the County by businesses operating in the County as of January 8, 1990, (and having all necessary local permits and licenses for the operation of such business at the time of such disposal), but not including Unacceptable Wastes or wastes that Permittee is entitled to refuse, which are delivered to the landfill by individuals or by private haulers who certify that they have picked up only waste which is entitled to be disposed of without charge pursuant to the above-stated conditions. This provision shall also apply to waste generated by the aforementioned businesses in the County after January 8, 1990.
50. Permittee shall dispose of, without charge or cost to the County or its schools or charitable institutions, all solid waste generated within the County by the County, its agencies or offices or its public schools or by charitable institutions (organizations or institutions qualifying as tax exempt charitable organizations under federal tax regulations) within the County as of January 8, 1990, but not including Unacceptable Wastes or wastes which Permittee is entitled to refuse, which are delivered to the landfill by individuals or by private haulers who certify that they have picked up only waste which is entitled to be disposed of without charge pursuant to the above-stated conditions. This provision shall also apply to waste generated by the County, its agencies or public school facilities located in the County after January 8, 1990.
51. Permittee shall dispose of, without charge or cost to the County, all solid waste generated by the County in the clean-up of illegal dumps or landfills within the County, but not including Unacceptable Wastes or wastes Permittee is entitled to refuse or waste from the County's landfill. Permittee shall not be obligated to accept more than 500 tons/year of such waste without charge. In the event the County recovers funds from any individual in connection with cleanup of illegal dumps or landfills from which waste is disposed of in the landfill without charge, and Permittee would have otherwise been entitled to charge for such waste, and such recovery exceeds the County's incurred costs in connection with the cleanup of the illegal dump or landfill, then the County shall pay Permittee an amount equal to Permittee's average tipping fee for southside Virginia or in absence thereof Permittee's gate rate (but not exceeding the excess recovery funds). Tonnage paid shall be recredited to the County.
52. Permittee shall maintain a prepared disposal area in the landfill sufficient to dispose of the County's solid waste required to be disposed of by Permittee hereunder for a period of at least five (5) years at a projected rate of 20,000 tons per year, and shall notify the County when the remaining capacity of the landfill reaches five (5) years.
53. Permittee's obligations to accept the solid waste described in 48-51 shall terminate upon the date the life of the landfill has been exhausted.

Convenience Centers

54. The County will, at such times as it chooses, provide up to six (6) parcels of land and Permittee shall provide one parcel outside of the secured portion of the landfill, for the establishment of convenience centers for use by Amelia residents (but not commercial or industrial solid waste generators) within the County, without charge. Each site shall be of a nature and design that it is reasonably acceptable to Permittee and the County and sufficient to accommodate the waste delivered to such site.

55. Permittee shall cause the construction of each of the six (6) convenience centers within a reasonable time of receipt of the convenience center's site, and shall provide for the subsequent maintenance of such convenience centers, all without cost to the County, excluding land costs associated with Condition Number 54.

56. Permittee shall provide disposal services for these six (6) convenience centers including collection and transportation of solid waste from the sites to the landfill. Pickup at the convenience centers shall be as necessary to prevent overflow. Convenience centers will be fenced and secured and open not less than forty (40) hours per week.

57. Permittee shall obtain all necessary permits and approvals for the operation of such convenience centers and shall operate them in accordance with all applicable federal, state and local statutes, ordinances and regulations.

Financial Responsibility

58. In accordance with VDEQ regulations relating to facility closure, monitoring and maintenance, Permittee shall either maintain the required financial test ratios or shall pay to the Commonwealth of Virginia by either a trust fund, letter of credit or deposit of collateral, as allowed by VDEQ Financial Assurance Regulations, an amount sufficient to meet those regulations and further to close the landfill in any current year and maintain and monitor it for a period of not less than 30 years following closure. These amounts shall be determined and maintained in accordance with VDEQ regulations.

59. Permittee shall pay to an escrow account established by it and the County up to a maximum of \$1,000,000.00 at the rate of \$5,000.00 per acre for each acre of the landfill used for disposal. The account shall receive a \$250,000 advance payment to be credited against the first fifty (50) acres of disposal. The account shall be held in escrow pursuant to an escrow agreement in form reasonably acceptable to the County and Permittee. The funds of the account as well as any income thereon which remains in the account shall be deemed the property of the County subject to the terms set forth below.

To the extent there are any withdrawals from this fund during the operation of the landfill, such fund will be promptly reimbursed the amount of such withdrawals by Permittee. The escrow fund shall be interest bearing and all interest produced by the fund shall be retained therein until the fund equals \$2,000,000, whereupon subsequent interest produced by the fund will be paid to Permittee when earned and requested by Permittee.

This fund will be held until fifteen (15) years after the approval of the final closure of the landfill, at which time 50% of the fund and interest earned thereon may be requested by Permittee, and upon such request shall be paid, less the amount of any claim against the fund which has not been resolved. All of the unexpended balance of the fund will be paid to Permittee thirty (30) years after the final closure of the landfill, less the amount of any claim against the fund which has not been resolved. The remaining balance withheld and not paid out in claims shall be paid to Permittee upon resolution of all outstanding claims.

The purpose of this fund is to pay for mitigation and remediation as may be reasonably necessary hereunder or as a result of the operation of the landfill upon Permittee's failure to promptly undertake the same (provided, however, the fund shall not be utilized in connection with claims based on diminished property value by virtue of proximity to the landfill).

The County shall be entitled to draw upon the escrow account, without the countersignature of Permittee, in the event of any material contamination of the landfill or release of contaminants there from in the event the same is not

promptly remediated by Permittee in accordance with applicable state and federal statutes and regulations and the terms of this Special Exception Permit. The County shall use any funds withdrawn from such account solely for remediation and/or mitigation of such contamination or release or for cure of a violation hereunder and shall only withdraw amounts sufficient to cover such remediation and/or mitigation or cure. In order to make withdrawals from the escrow account, the County shall first provide Permittee with not less than ten (10) days prior written notice and shall submit a certificate to the escrow manager of the fund indicating the amount and basis for such withdrawal.

In the event that any federal or state agency or authority shall require Permittee to maintain a similar fund for the landfill during the period of escrow, Permittee shall be permitted to submit this fund for satisfaction of such requirement and the County shall agree to reasonable modifications of the fund, provided the County's rights are not materially reduced thereby. The escrow agent shall be an individual or corporation mutually acceptable to Permittee and the County. Any costs of the escrow shall be borne by Permittee.

Design

60. RESERVED

61. All areas of the landfill which are used for the disposal of waste ("Operational Area") shall have buffers in accordance with VDEQ regulations and the landfill shall have a perimeter buffer of not less than 200 feet from the property lines. Natural vegetation shall be maintained in such buffer as provided in Condition Number 68 and supplemented where necessary with evergreens to insure four season screening of the operations.

62. Buffers shall extend not less than 500 feet from residences, churches, schools, recreation areas, active drinking wells and springs.

63. The operational area shall be no closer than 200 feet from any regularly flowing channel of water.

64. The operational area of the landfill shall be no closer than 200 feet from any public road.

65. All parts of the landfill operating area shall have a height limitation that is appropriate under the Operating Standards, but in no event shall the height be greater than 100 feet above existing ground level.

Design Plan

66. Permittee shall submit a detailed design plan to the County for all of the landfill or any portion to be utilized by Permittee. Such plan shall provide detailed information regarding:

- a) the location and design of all planned improvements, including, but not limited to roads, staging areas, parking areas, lighting, buildings and cells;
- b) the location of streams, creeks and delineated wetlands, the topography, floodplains, soil and groundwater conditions of the area;
- c) the specific buffers and any structures to be placed within the buffer areas adjoining the operational area (in accordance with the terms of this Special Exception Permit) and the specific plans for landscaping and screening augmentation;
- d) the specific steps to be taken to protect floodplains, wetlands, significant archeological sites and water quality, and
- e) drainage plans.

Such plans shall be submitted to the County Administrator who shall review them for conformance with the terms of this Special Exception Permit and the master site plan approved in connection with this SEP. An additional copy of

such plans shall be provided to the County, and the County Administrator shall have the same reviewed by an engineering firm for conformance with law and reasonably acceptable practices for best management within the industry. Within sixty (60) to ninety (90) days of receipt of such plans, the County Administrator shall provide Permittee with written comments on the specific plans. Permittee, the County and the County's engineering consultant shall arrange for concurrent review as Permittee develops its Design Plan, and in the event concurrent review has preceded the submittal of the Design Plans to the County Administrator, the County Administrator will use reasonable efforts to provide Permittee written comments within thirty (30) to sixty (60) days of receipt of such plans. In the event the County's engineers and Permittee cannot promptly resolve disagreement regarding reasonably acceptable practices for best management within the industry, Permittee and the County shall submit the issue to a third party engineering firm acceptable to Permittee and the County Administrator for recommendation. The plans shall be appropriately adjusted and resubmitted to the County. Within thirty (30) days of resubmission the County Administrator shall advise the Permittee whether the plans are deemed final and, if not, what further steps must be taken. Prior to the development of the detailed plan for any area of the site, the wetlands, (as defined by the U.S. Army Corps of Engineers) within such area will be delineated, a Phase I archeological study of the area will be completed and a natural resources report will have been completed indicating that the area has been appropriately studied and that no endangered or threatened species are in the area of development. Such reports, studies and delineations will be provided to the County together with the Design Plan.

Operation Plans

67. Permittee shall submit a detailed operations plan to the County for all of the landfill or any portion to be utilized by Permittee. Such plan shall provide detailed information regarding:

- a) the steps Permittee will take to provide for protection of trees within the buffers and replacement of trees/vegetation in the buffers;
- b) the steps Permittee will take to control vectors, site and road dust, litter, methane accumulation and migration, adverse impact on water quality (as defined by VDEQ or other applicable state regulatory agencies);
- c) the steps Permittee will take to minimize adverse effects on wildlife within the utilized area, and
- d) the steps Permittee will take to achieve the Operation Standards as described in this SEP.

Such plans shall be submitted to the County Administrator who shall review them for conformance with the terms of this SEP and the master operations plan approved in connection with this SEP. An additional copy of such plans shall be provided to the County and the County Administrator shall have the same reviewed by an engineering firm for conformance with law and reasonably acceptable practices for best management within the industry. Within sixty (60) days of receipt of such plans, the County Administrator shall provide Permittee with written comments on the specific plans. Permittee, the County and the County's engineering consultant shall arrange for concurrent review as Permittee develops its Design Plan, and in the event concurrent review has preceded the submittal of the Design Plans to the County Administrator, the County Administrator will use reasonable efforts to provide Permittee written comments within thirty (30) to sixty (60) days of receipt of such plans. In the event the County's engineers and Permittee cannot promptly resolve disagreement regarding reasonably acceptable practices for best management within the industry, Permittee and the County shall submit the issue to a third party engineering firm acceptable to Permittee and the County Administrator for recommendation. The plans shall be appropriately adjusted and resubmitted to the County. Within thirty (30) days of resubmission the County Administrator shall advise the Permittee whether the plans are deemed final and, if not, what further steps must be taken.

Operations Standards

68. Permittee shall not operate in any area unless the buffers for such area screen such operations from outside view at ground level at a point 20 yards from the exterior edge of the buffer. While screening does not have to absolutely preclude observation of activities, there must be no significant gaps and total screening should generally be no less than 90% effective. Screening must function in all four seasons, and Permittee shall augment natural vegetation with evergreens where necessary to accomplish this result. Permittee shall maintain natural vegetation in the first 100' of the

buffer surrounding the property and shall not encroach on such areas except for the construction of monitoring devices, and storm water management facilities and access roads. Permittee shall use good faith efforts to avoid locating storm water management facilities in the first 100' of the buffer and shall in no event locate the storm water management facilities in the first 50' of the buffer. If monitoring wells or storm water management facilities are located within such 100' area, the natural vegetation will be supplemented to fully screen the devices or facilities and compensate for any loss of screening of landfill operations within the buffer area. If access roads encroach on the 100' area, such roads will be designed to curve or angle to avoid direct lines of sight into the landfill. In areas where the first 100' of the buffer is not wooded, or such woods are sparse, Permittee shall engage in intensive tree/vegetative planting to prepare such areas.

Permittee may locate a security fence within the buffer and clear a 5' wide area for the same, provided that along the site's road frontage and entrance to the site Permittee shall provide a vegetative buffer or other appropriate buffer for such fence. No operations may take place until all buffers necessary to provide the screening described herein for such operation have been completed. Permittee does not have to have completed all perimeter buffers prior to any operation, but all buffers necessary to screen any phase of operation must be complete. Screening for ground level operations may be supplemented by berms and a fence, not less than 15' high, with a row of evergreens, not less than 10' high, appropriately spaced to provide full screening at maturity, provided Permittee is proceeding with the revegetation of the 100' buffer area. The balance of the 200' perimeter buffer shall also remain vegetated with natural vegetation except as necessary for access roads, monitoring devices, stormwater runoff controls and utilities. No operations shall take place within such 200' buffer except for construction of the roads, monitoring devices, stormwater runoff controls and utilities and their operation and maintenance.

69. No operations shall take place where screening of such operations meeting the standards set forth above is less than 15'. In the areas where the natural vegetation of the site is not sufficient to meet the standards set forth in Condition Number 68, Permittee shall supplement the vegetation with trees and other vegetation (native or reasonably adaptable to the region) which exhibit fast growing characteristics. In addition to such screening, when any active working face is above existing ground level, Permittee shall provide an earthen berm approximately 3 to 4 feet high on the active working face which will act as a visual barrier to adjacent properties. In no event shall the height of operations exceed 100' from existing ground level.

70. Permittee shall provide for the control of all vectors by taking such actions as are necessary to prevent the attraction or introduction of the same to the landfill. Cover of material shall be prompt in order to discourage vectors. Because of specific concerns regarding birds which may be attracted to the area, Permittee shall take such special measures as are necessary (but not the ash or asbestos cells) to prevent large flocks of birds from gathering around the working areas of the landfill.

71. Permittee shall control dust from the site by spraying roads and unvegetated areas of the landfill to reduce dust. Permittee shall promptly seed all unvegetated areas except for the stockpile area and areas where already constructed cells or other improvements preclude dust.

72. Permittee shall take such steps as are necessary to prevent noise levels associated with operations on the site from exceeding 67 decibels (not including ambient noise) when measured at the property line of the landfill site (not including the normal sounds of trucks entering the site).

73. Permittee shall take such steps as are necessary to prevent odor associated with operation of the landfill from impacting surrounding properties to an extent greater than normal agricultural operations and other industrial uses within the area.

74. Permittee shall take such steps as are necessary to prevent trash or debris from blowing from the landfill onto adjoining properties, and shall remove such debris related to landfill operations and along Maplewood Road from Patrick Henry Highway to the entrance road and one quarter of a mile beyond the entrance. In addition, upon the County's request permittee shall cleanup all litter along five (5) miles (cumulative) of roadway, annually.

75. In the event Permittee utilizes any overhead lighting at the site, such lighting shall be located and directed so that it does not materially increase ambient light conditions when measured at the property line.

Operations Details

76. Permittee's personnel will visually inspect all solid waste at the gate or on the working face of the landfill as Permittee deems necessary, before the vehicle is allowed to leave the landfill. In the event that Permittee detects Unacceptable Waste at the landfill, the party delivering such waste shall have first responsibility for its removal and all costs associated with its removal and disposal; provided, however, that Permittee is ultimately responsible for the prompt removal of such Unacceptable Waste in accordance with the terms of this SEP. Permittee shall have the right to refuse to accept waste delivered by parties who have knowingly or repeatedly violated the landfill operating rules.
77. The landfill shall be open on Monday through Saturday, except for New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Access to the landfill working face shall be from dawn to dusk, or twelve (12) hours per day, whichever is greater, subject to the landfill permit. Changes to these hours must be with the consent of the County Administrator. Failure to respond within 30 days shall be deemed approval.
78. All complaints received by the Amelia County Board of Supervisors will be referred directly to Permittee which shall give them prompt and courteous attention and shall advise the Board of the resolution of such complaints.
79. Public access to the landfill shall be limited to a single access point. No waste shall enter the landfill except through this point. This access point shall be equipped with a gate which shall be closed and locked during non-operating hours. A scale house with an attendant during operating hours and a security guard or electronic surveillance at all other times shall monitor the landfill. Permittee shall initially screen the solid waste to determine its appropriate disposition within the landfill and shall use additional screening to assist this determination as Permittee deems necessary. Any electronic surveillance shall provide for timely notification to the County and local law enforcement officials in the event of a security breach. Permittee shall maintain a record of all entering vehicles and make it available to the County upon request. WM shall maintain such records for at least 30 days from the date the record was made.
80. Traffic flow shall be regulated by adequate signage. Private cars and pick-up trucks shall be directed to a drop off convenience center away from the active landfill as deemed necessary by Permittee.
81. All putrescible solid waste will be compacted and covered as soon as practicable after it is dumped. Cover will be applied as necessary, but not less than daily.
82. The entire working face of the landfill shall be enclosed by either a fence, berm or wooded buffer, and appropriate steps will be taken to reduce or eliminate blowing trash. Loose debris will be picked up not less than daily.
83. All fuels stored at the landfill shall be maintained in approved corrosive-resistant, above-ground storage tanks. Bulk fuels shall not be stored in buildings on the site.
84. Permanent signs shall be posted at the main entrance advising of operating hours, emergency contact persons, the type of materials which are acceptable and such other information as is deemed necessary. Permanent signs shall also be posted throughout the operational areas directing traffic, identifying buildings and specifying types or grades of material to be deposited in particular areas. A separate and prominently displayed sign will notify all users that the landfill prohibits any Hazardous Waste and Unacceptable Wastes. No signs will be placed by Permittee on Patrick Henry Highway, and the size and design of all signs visible from any public road shall be subject to the review and approval of the County Administrator.
85. On-site permanent survey benchmarks for horizontal and vertical control will be established at the landfill site. At least annually, a revised topographic survey of the working area shall be made and two certified copies delivered to the County Administrator.
86. Permittee agrees to sweep Maplewood Road from the landfill 0.25 miles on either side of the entrance on the road as needed, weather permitting. Permittee shall not wash such areas of road unless weather conditions permit the same without danger of freezing.

87. All trucks entering and leaving the landfill shall be weighed at the scale house. Trucks owned by Permittee and other regular users do not need to be weighed upon leaving if the vehicle tare weights are known. Such trucks must be weighed at least annually to check these weights.
88. Any existing landowner within 3,000 feet of the proposed disposal site must be offered, at Permittee's expense, a deep well if that landowner is currently using a shallow well (less than 100 feet).
89. All solid waste shall be compacted as soon as practical after it is unloaded on the site. Cover material shall be applied daily in accordance with the landfill permit. The working area will be kept as small as possible to minimize the potential for blowing debris.
90. All drainage ways shall be kept free of debris and other obstructions to the flow of water. Sediment ponds shall be cleaned as the need arises and as recommended by the County with the trapped sediment being returned as cover material on the landfill.
91. No water contaminated with leachate shall be discharged from the site to the natural drainage outfalls.
92. Roads in the operating landfill shall be graded as necessary to maintain smooth, well-drained surfaces. During dry periods, these operating roads shall be sprayed with water, if necessary to reduce dust problems. Permanent unpaved roads shall be covered with gravel.
93. A site inspection checklist shall be maintained in the administrative offices at the landfill. Results of previous inspections shall be maintained for three (3) years. Inspections shall be made jointly by the landfill supervisor, a representative of the county, a representative of VDEQ, or its successors, whenever practical.
94. A record of observed climatic conditions shall be maintained in the administrative offices of the landfill.
95. Permittee shall maintain a methane gas monitoring system at the landfill. Methane gas measurements will be made monthly around the perimeter of the landfill. Indications of the presence of explosive gas equal to or greater than 90% of the lower explosive limit are to be documented and evaluated and the County shall be notified thereof immediately. If the condition persists, site investigations shall be started to determine the source and develop corrective solutions. Corrective solutions shall be promptly implemented.
96. RESERVED
97. Leachate shall be transferred to an appropriate above-grade holding tank of a capacity sufficient to contain ten (10) days of leachate generation. Leachate shall be handled and treated as permitted by federal, state and County authorities. Under no circumstances shall untreated leachate be allowed to escape the landfill area into the surface or groundwater of the County.
98. Permittee shall construct monitoring wells around the perimeter of the landfill (including within the buffer areas) with the locations of said wells to be approved by VDEQ prior to their construction. Permittee shall take groundwater samples quarterly and have them analyzed according to the parameters established by VDEQ. Copies of this information shall be promptly forwarded to VDEQ, and the County.
99. Statistically significant changes in the water quality of the monitoring wells shall require that additional analyses be made on water samples to determine which water quality parameters have changed, if the changed condition violates water quality standards or other relevant and appropriate standards or requirements, and to identify the potential source of the pollutants. If the landfill is found to be the cause of such changes in water quality, Permittee will take immediate action to correct the pollution by whatever means are necessary.
100. Permittee shall sample natural surface water bodies which flow through or adjoin the landfill site quarterly for flow and water quality upstream and downstream of the possible point of impact by the facility. Such tests shall be made on the Permittee's property or on the property of adjoining owners with their consent. Background samples shall be taken

prior to the commencement of the operations and shall be compared to subsequent quarterly samples. The County shall promptly be provided copies of such analysis.

101. Statistically significant changes in the water quality of the natural surface water bodies shall require that additional analyses be made on water samples to determine which water quality parameters have changed, if the changed condition violates water quality standards or other relevant and appropriate standards or requirements, and to identify the potential source of the pollutants. If the landfill is found to be the cause of such changes in water quality, Permittee will take immediate action to correct the pollution by whatever means necessary. All violating discharges shall be designated as leachate and disposed of as such.

102. In the event that significant adverse changes to water quality parameters are noted in one or more of the monitoring wells or at one or more of the surface water sampling points, Permittee shall isolate and identify the source of the problem.

103. If the pollutant source is identified as the landfill, Permittee, in cooperation with VDEQ, shall take appropriate steps to prevent further pollution. In all cases, landfill operation in any identified area of contamination shall be stopped until the problem is corrected unless Permittee can demonstrate to the reasonable satisfaction of the County that such action is unnecessary and continued operation will neither interfere with remediation nor risk increase of any contamination. In no case shall leachate be discharged from the landfill other than as set forth herein or as approved by appropriate State and County authorities.

104. In the event that any well is determined to be adversely affected by the landfill operations, a mitigation plan as set forth below will be implemented:

In the event a property owner believes that their well or groundwater has been damaged by the landfill, Permittee and the County will attempt to determine if such damage exists.

If Permittee and the County are unable to agree that it is necessary to implement any measures required under this plan or which measures shall be implemented, Permittee shall refer the decision to a hydrologist or groundwater consultant upon whom both parties agree, and the hydrologist or groundwater consultant shall determine whether it is necessary to implement the alternatives for mitigation of the adverse effects and which measures shall be implemented.

In each case of a well serving a property owner which has been determined to be adversely affected by landfill operations, one or more of the following alternatives for mitigation of the adverse effects will be investigated and applied, as appropriate: lowering of pump; installation of new pump; lowering of well; drilling of new well; interconnections with other local unaffected wells; or any other alternative or alternatives which may be deemed appropriate. Permittee agrees to bear the costs for any of the above steps necessary to alleviate adverse impact to affected property owners.

If Permittee and the County are unable to determine in advance that a property owner's well(s) will be adversely affected, then Permittee will take any or all of the following emergency steps, as necessary, to provide an immediate alternative water supply to the affected property owner: trucking water in bulk for human and livestock consumption; temporary interconnections with local unaffected wells; provision of temporary substitute housing for the family if necessary; or any combination of these alternative measures which will insure that the property owner will not be required to go without water for normal human use for more than forty-eight (48) hours. At soon as possible, after implementation of the temporary measure or measures outlined herein, the property owner shall be entitled to receive such permanent measures as are outlined for implementation herein.

Any property owner who, of necessity, following written notice to Permittee and failure by Permittee to investigate the problem within a reasonable time, has undertaken reasonable self-help to mitigate adverse conditions at his well caused by landfill operations, will be reimbursed for the reasonable costs of such self-help measures upon presentation by him of appropriate documentation to Permittee.

Such claim made or payment required under this Plan shall be paid by Permittee within thirty (30) days of receipt of the appropriate documentation or Permittee shall provide reasonable evidence within such period that such claim or payment is not covered. If payment is not made nor reasonable evidence produced, then the County may pay such claim from the Mitigation and Remediation escrow fund. Permittee shall reimburse the fund for any amounts so disbursed within sixty (60) days of the date of actual disbursement.

105. A list of emergency telephone numbers shall be conspicuously placed in the landfill administration office in case an emergency occurs. Those numbers will include the police, fire department, ambulance or rescue squad, County Director of Emergency Management and State and Federal offices responsible for clean-up of hazardous material spills. All landfill employees shall receive periodic emergency response training as part of the regular accident prevention program.

106. No less than two (2) years prior to the anticipated cessation of the landfill operations, Permittee shall develop a final plan for use of the site after the life of the landfill has expired. One (1) year before the anticipated cessation of the landfill, the final development plan must be in a stage to be accepted and ready for implementation, to the satisfaction of VDEQ and the County. The final plan shall be subject to the County's approval, not to be unreasonably withheld or delayed.

107. Permittee shall establish methane gas controls to prevent the collection of gas in explosive levels at the landfill.

108. If methane recovery is found to be practical and is implemented, then this recovery system can be substituted for the methane collection and disposal system provided that such recovery system does not increase odor or allow the creation of any hazard to public safety.

109. Until such time, following closure, as leachate stabilizes and does not require treatment under the applicable federal and state regulations, Permittee will continue to operate the leachate treatment system and leachate quality will be monitored in the same manner as in the operating phase. At the time that any waste cell reaches stability and leachate quality is within acceptable limits Permittee may apply to VDEQ for permission to suspend treatment on that particular leachate.

110. Both surface and ground water monitoring shall be continued by Permittee until such time as all leachate has reached stability and the closed landfill no longer poses a threat to the ground or surface waters. As the leachate quality begins to improve, the frequency of sampling may be reduced with the concurrence of the VDEQ.

111. Final cover material shall be placed and compacted, in accordance with VDEQ regulations, to prevent the rapid absorption and percolation of rainfall. All side slopes shall be graded and terraced. Non-erodible drainage ways shall be constructed, dependent on the final topography of the completed area.

112. A layer of top soil shall be placed over the final cover material to maintain a sufficient surface moisture level on the final cover and shall be graded and seeded with grass, as approved by the VDEQ.

113. The sides of all borrow areas shall be graded to prevent sudden changes in slopes. All stockpiles of overburden will be graded to minimize erosion potential and seeded to prepare the site for future uses in the final plan.

114. All roads on the site will be kept in a passable condition, before and after closure.

115. In the event that Permittee is notified of any violations of applicable laws, regulations or permit conditions at the landfill, Permittee shall notify the County and shall promptly and diligently cooperate with the applicable regulatory agency and take other reasonable actions in an attempt to cure the violation.

116. Permittee shall participate in the Landfill Advisory Committee appointed by the County, consisting of five citizens (one from each voting district), one member of the Board of Supervisors and one employee of Permittee to review and comment on the operation of the landfill. The manager of the landfill or his/her designee, will be the Permittee

employee who serves as a member of that Committee, and the Permittee will use its best efforts to meet all such reasonable concerns or suggestions that this Committee shall voice.

117. Operations at the landfill shall not involve the use of any external speakers.

Transfer or Assignment

118. This Special Exception Permit shall not be transferred or assigned and shall be deemed to expire upon any transfer of title to the property to which it applies, unless a variance and approval by the Board of Supervisors has first been obtained.

Lapse of SEP

119. RESERVED

120. This Special Exception Permit shall expire if the use of the landfill ceases for three (3) years or more.

Daily Tonnage Limits

121. Permittee shall not accept for disposal any more than 7,000 tons of solid waste per day, six days per week. This limitation may be exceeded in any operating day by no more than 25% of the allowed volume provided that: (1) no more than 250 trucks containing out of County solid waste shall enter the landfill in any one day; (2) in no calendar quarter will the tonnage of solid waste disposed of at the landfill exceed 7,000 tons multiplied by the number of days in that quarter the landfill was open; and (3) Permittee shall use reasonable efforts to keep volume at or below 100% of the allowed volume.

122. RESERVED

123. RESERVED

Rail and Highway Traffic

124. Permittee shall submit a plan for improvements to Patrick Henry Highway and Maplewood Road in order to adequately accommodate traffic turning from Patrick Henry Highway onto Maplewood Road and from Maplewood Road into the site without causing delays in traffic or creating traffic hazards. Such plan shall be in a form satisfactory to the Virginia Department of Transportation and the County Administrator. Permittee shall construct or cause to be constructed all such planned improvements prior to commencing operations at the site.

125. Permittee shall require all hauling trucks over which it has control, either by contract or ownership, to utilize Maplewood Road from the Patrick Henry Highway approach only, in coming to and leaving from the site.

126. Permittee shall require all hauling trucks over which it has control either by contract or ownership to avoid parking anywhere in the County overnight except on the landfill site in designated areas.

127. Permittee shall include in the Operation Plans for the landfill an onsite staging area for trucks. Such staging area shall be of sufficient capacity to prevent trucks from backing up to Maplewood Road as they await clearance into the landfill, provided that trucks may hold in the deceleration lane on Maplewood Road waiting for trains to pass. Such area may also be used for overnight parking of hauling trucks provided that such area shall meet the Operating Standards set forth above and shall be located entirely outside of the buffer. In no event shall trucks be parked within the buffer or on Maplewood Road or allowed to back up to interfere with traffic.

128. The entrance road to the gatehouse, and the staging area, shall be paved.

129. In the event Permittee utilizes the railroad for transportation of solid waste into the landfill, Permittee shall provide an onsite staging area for railcars carrying waste. The spur for such rail service may penetrate the buffer, but the staging area shall be located entirely outside of the buffer. Such area may be used for overnight parking of railcars used for transportation of solid waste provided that such area shall meet the Operating Standards set forth above.

Master Plans

130. In connection with this Special Exception Permit the Board of Supervisors has approved a master design plan and a master operating plan. Future detailed design and operating plans shall be in general conformance with these plans as to locations and configurations and the extent of measures being taken to protect the health, safety and welfare of the County, its residents and its environment. Minor changes in these plans may be made with the approval of the County Administrator, provided that modifications which have a potential for material adverse impact on the health, safety or welfare of the citizens of Amelia shall be subject to approval by the Board of Supervisors.

Indemnification

131. Permittee shall provide the County with a guarantee of Permittee's performance from Permittee's parent company in form satisfactory to the County Administrator.

Waste Accessibility

132. Solid waste (other than asbestos) shall not be brought into the site in forms which preclude visual inspection of the solid waste. The contents of bales shall be inspected at origination or inspected on the working face when broken. All baled waste shall be broken before coverage.

Wetlands and Creeks

133. Permittee shall obtain all permits and approvals applicable to wetlands pursuant to federal and state laws.

134. Permittee shall not disturb any wetlands adjacent to and connected by at least seasonal surface flow to Nibbs Creek. Permittee shall not take any action which dams Nibbs Creek, materially reduces the flow of Nibbs Creek or results in the degradation of the quality of the water of Nibbs Creek through the release of contaminants.

Enforcement

135. In addition to any and all enforcement rights the County may have with regard to violations of its zoning ordinance or the terms of this Special Exception Permit at law or equity, the County shall have the following enforcement rights:

a) In the event Permittee fails to promptly dispose of leachate in accordance with this SEP, permits the disposal of wastes in the landfill other than those wastes permitted under this SEP or fails to construct or close any segment of the disposal area according to the applicable design criteria, and such failure is intentional or the result of Permittee's gross negligence then the County shall notify Permittee in writing of such violation and the same shall be cured within thirty (30) days. Such cure period shall be extended so long as Permittee is diligently and continuously using its best efforts which will reasonably lead to cure of the violation within a reasonable period of time. There shall be no extension for cure of a violation which endangers the health or safety of the public or threatens to cause material environmental damage unless sufficient actions have been taken to protect the public and the environment within such 30-day period. The County may cancel this SEP upon the failure to cure the violation within the applicable cure period and notice to Permittee. The occurrence of a third "30 day" violation within a 12-month period shall entitle the County to cancel this SEP upon discovery of such violation and delivery of notice to Permittee.

b) In the event of a material violation of this SEP that has not been cured within 90 days of written notice to Permittee by the County, the County may cancel this SEP by notice to Permittee. The period for cure of the

violation shall be extended so long as Permittee is diligently and continuously using its best efforts which will reasonably lead to cure of the violation within a reasonable period of time. There shall be no extension for cure of a violation which endangers the health or safety of the public or threatens to cause material environmental damage unless sufficient actions have been taken to protect the public and the environment within the 90-day cure period.

c) In addition to any remedy of specific performance or injunction, any nonmaterial violation of this SEP not cured within ninety (90) days of written notice to Permittee by the County shall be subject to a fine of \$1,000 for each day of violation following the cure period, provided that the County shall provide Permittee with a second notice not less than five (5) business days before such fine shall apply. The period for cure of the violation shall be extended and no fine applied so long as Permittee is diligently and continuously using its best efforts which will reasonably lead to cure of the violation within a reasonable period of time.

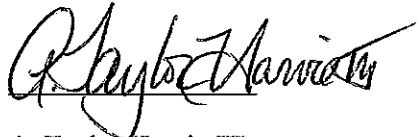
d) No cure period set forth in this SEP for the above additional remedies shall be deemed to preclude the County from proceeding with any other remedies the County may have at law or equity.

This Special Exception Permit, as approved by the Board of Supervisors upon due consideration and after all required public notice and hearing, shall take effect immediately this 19th day of June, 2013.



Franklin D. Harris, Chairman
Board of Supervisors
County of Amelia, Virginia

ATTEST:



A. Taylor Harvie III
Clerk to the Board