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Landin Holland
Town Administrator/Planner
Town of Navassa
338 Main Street
Navassa, NC 28451
lholland@townofnavassa.org
VIA FedEx and Email

**Re: *Application for Landfill Franchise Ordinance pursuant to N.C. Gen. Stat. §
130A-294***

Dear Mr. Holland:

1. Introduction.

Our law firm represents Elite Newco I, LLC (“Elite Newco”), the owner of a 735-acre parcel located along Mount Misery Road in the Town of Navassa. Elite Newco wishes to develop a modern sanitary landfill to serve Navassa and the greater Brunswick County area. Pursuant to North Carolina state law, the applicant must first obtain a franchise for the operation of the sanitary landfill from the local government having jurisdiction over the property where the sanitary landfill is proposed to be developed. Please accept this letter and its attachments as Elite Newco’s application for a sanitary landfill franchise from the Town of Navassa.

N.C. Gen. Stat. § 130A-294, attached hereto as Attachment A, provides the specific requirements that must be included as part of a franchise ordinance to be adopted by the local governmental body. A proposed franchise ordinance meeting all the requirements set forth in the statute is attached hereto as Attachment B. The accompanying Facility Plan is attached hereto as Attachment C.

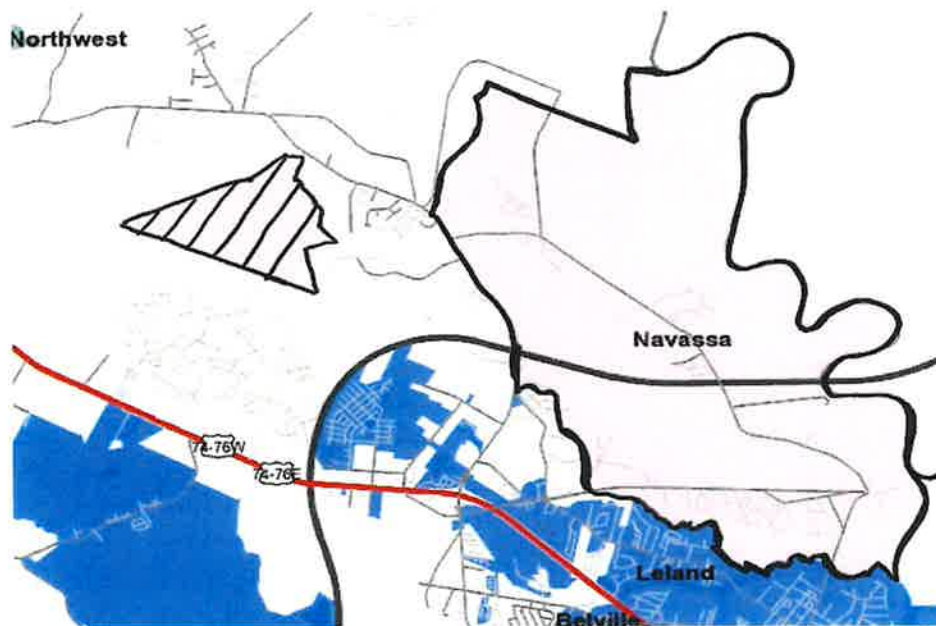
2. Description of the Proposed Project.

This proposal for a sanitary landfill presents a unique opportunity to provide significant and ongoing monetary benefits to the Town of Navassa (the “Town”) and an important service to the greater community. The anticipated annual payment to the Town would be in excess of \$1 million – an amount that would essentially double the Town’s current yearly General Fund budget, without negative impacts to the Navassa residents and businesses. The additional income would provide the

Town with funds to deliver many more services and benefits to its residents, and help pay for important Town projects and initiatives.

The modern sanitary landfill will collect only household waste and construction debris (the “Proposed Project”). There will be no hazardous waste of any kind collected at the Proposed Project. With the existing Brunswick County landfill approaching its full capacity and unprecedented growth in the area, the Proposed Project would also serve a critical community need.

The Proposed Project would be located at 3339 Mount Misery Road (the “Property”). The Property is 735 acres in size and because it was added to the Town’s corporate limits by a satellite annexation, it is uniquely located approximately a mile away from the Town limits. The Navassa corporate limits are identified below in pink. The area which has the black diagonal lines identifies the Property. The Property is zoned Heavy Industrial, is currently vacant, and surrounded by parcels located solely in Brunswick County’s jurisdiction.



The Town previously approved a landfill on the Property in 2006 that was proposed by Hugo Neu. Ultimately, the project was withdrawn because of a state moratorium on landfills. This is a completely different proposal. Landfill technology has advanced significantly in the last 20 years, and we do not expect any interference from the General Assembly.

3. Who is the Property Owner and Landfill Developer?

Elite Newco I, LLC, is a company owned by Dan Wall, who has many years of experience in the waste and landfill industry as a founder, owner, and operator. Mr. Wall and his family are local. Dan and his wife, Nancy, live in Wilmington with their four children. The Walls' purpose is to operate the landfill business, but to also be an active and important part of the Navassa community. The Walls are excited about the opportunity to contribute to Navassa's local initiatives and projects such as the Heritage Trail and Homecoming Parade in addition to providing the income that will be generated by the Proposed Project.

4. What is the Proposed Project?

The Proposed Project will be a modern, well-engineered solid waste facility intended to serve Navassa, Brunswick County, and the surrounding areas. The Proposed Project would accept only municipal solid waste (often referred to as "MSW") and construction and demolition debris (often referred to as "C&D"). MSW generally consists of everyday household trash. C&D is the leftover material when building or demolishing building projects such as homes. No hazardous materials of any kind would be accepted.

The Proposed Project would be strictly regulated by the state (North Carolina Department of Environmental Quality, or "NCDEQ") and the federal government (United States Environmental Protection Agency or the "EPA"). The Proposed Project would provide a safe and economic way to dispose of waste in an environmentally protective manner. Protections include multiple layers of liners, leachate collection systems, and advanced monitoring of ground water and air quality.

The Proposed Project would be regularly monitored by NCDEQ and the EPA to ensure compliance with its permits and the regulations. The 735-acre site is large enough to provide wide buffers to shield the site from view and minimize noise and odor. The Proposed Project would employ cutting edge technology designed to protect groundwater, surface water, and air quality. A comprehensive traffic study would be completed to identify improvements that would be constructed by Elite Newco. Trucking activity would be limited to daytime hours.

The life span of a modern landfill is typically 25-35 years depending on anticipated volume. Once a landfill reaches the end of its useable life, it is capped with an impermeable liner and planted with grass. Retired landfills are often utilized for public purposes, including parks and trails.

5. What Approvals Are Required from the Town of Navassa?

The approval of the franchise ordinance is just the first step in the process of developing the landfill. In order to develop the Proposed Landfill, Elite Newco is required to receive two

separate approvals from the Town: 1) a franchise ordinance; and 2) a special use permit. A short summary of each is set forth below:

- a. Franchise Ordinance. A franchise is an ordinance approved by a local government that grants rights to a company to operate a landfill in a specific area. The franchise does not provide the actual zoning approval for the landfill to operate – that is granted by a special use permit.

In Navassa, the franchise proposed would grant landfill rights to Elite Newco but would also provide for payments to the Town, including tipping (or “host”) fees, which is a set amount of money paid based on the amount per ton of waste received. Elite Newco would propose paying a host fee of \$2.25 per ton to the Town. This is expected to be approximately \$1,046,250.00 per year to be paid monthly (\$87,187.50 by the 30th day of each month). Elite Newco would agree to pay the first year “upfront” upon the Town’s final approval of the Proposed Project, thus, providing a significant immediate financial benefit. The landfill will also generate significant property tax revenues. A public hearing is required before the franchise can be approved. The decision to grant a franchise is up to the Town Council.

- b. Special Use Permit. If the Town grants a franchise to Elite Newco, the company can then request a special use permit to allow the landfill use on the Property. A special use permit is a type of quasi-judicial zoning approval, which requires an evidentiary hearing before the Town Council. At the hearing, Elite Newco must provide evidence that shows compliance with a list of standards to ensure the Proposed Project will be operated safely and consistent with the Town and surrounding area. Concerned individuals with relevant facts can speak at the special use permit hearing.

6. Public Hearing and Notice Requirements.

The required notice provisions for the public hearing and the franchise application are set forth in N.C. Gen. Stat. § 130A-294(b1)(3), and require the following:

- Prior to the award of a franchise for the construction or operation of a sanitary landfill, the Town where the landfill is proposed “shall conduct a public hearing.”
- The Town “shall provide at least 30 days' notice to the public of the public hearing. The notice shall include a summary of all the information required to be included in the franchise and shall specify the procedure to be followed at the public hearing.”
- “The applicant for the franchise shall provide a copy of the application for the franchise that includes all of the information required to be included in

the franchise, to the public library closest to the proposed sanitary landfill site to be made available for inspection and copying by the public.”

7. Request for Franchise.

By this letter and its attachments, Elite Newco hereby applies for a sanitary landfill franchise from the Town of Navassa pursuant to the requirements of the North Carolina General Statutes, including N.C. Gen. Stat. § 130A-294. Elite Newco also requests the franchise application be set for a public hearing at the regular Town Council meeting on July 16, 2026.

Elite Newco has included in Attachment D, a draft public hearing notice for the Town to use as a template for the legal advertisement. The Town is not required to use this version, but it is included to assist the Town. The legal advertisement must appear in the newspaper on or before June 16, 2026. Elite Newco will make the application and attachments available for inspection and copying at the Leland Public Library no later than that date as well.

Thank you for accepting this franchise application. If you or anyone else from the Town have questions or concerns, please contact me or ask Mr. Blanchard to do so.

Sincerely,



Robin L. Tatum

cc: Toby Coleman, Smith Anderson
Erin Catlett, Smith Anderson
Norwood Blanchard, Town of Navassa Town Attorney (Via FedEx and Email)

Attachment A
N.C. Gen. Stat. § 130A-294

§ 130A-294. Solid waste management program.

(a) The Department is authorized and directed to engage in research, conduct investigations and surveys, make inspections and establish a statewide solid waste management program. In establishing a program, the Department shall have authority to:

- (1) Develop a comprehensive program for implementation of safe and sanitary practices for management of solid waste;
- (2) Advise, consult, cooperate and contract with other State agencies, units of local government, the federal government, industries and individuals in the formulation and carrying out of a solid waste management program;
- (3) Develop and adopt rules to establish standards for qualification as a "recycling, reduction or resource recovering facility" or as "recycling, reduction or resource recovering equipment" for the purpose of special tax classifications or treatment, and to certify as qualifying those applicants which meet the established standards. The standards shall be developed to qualify only those facilities and equipment exclusively used in the actual waste recycling, reduction or resource recovering process and shall exclude any incidental or supportive facilities and equipment;
- (4) a. Develop a permit system governing the establishment and operation of solid waste management facilities. A landfill with a disposal area of 1/2 acre or less for the on-site disposal of land clearing and inert debris is exempt from the permit requirement of this section and shall be governed by G.S. 130A-301.1. Demolition debris from the decommissioning of manufacturing buildings, including electric generating stations, that is disposed of on the same site as the decommissioned buildings, is exempt from the permit requirement of this section and rules adopted pursuant to this section and shall be governed by G.S. 130A-301.3. The Department shall not approve an application for a new permit for a sanitary landfill, excluding demolition landfills as defined in the rules of the Commission, except as provided in subdivisions (3) and (4) of subsection (b1) of this section. No permit shall be granted for a solid waste management facility having discharges that are point sources until the Department has referred the complete plans and specifications to the Commission and has received advice in writing that the plans and specifications are approved in accordance with the provisions of G.S. 143-215.1. In any case where the Department denies a permit for a solid waste management facility, it shall state in writing the reason for denial and shall also state its estimate of the changes in the applicant's proposed activities or plans that will be required for the applicant to obtain a permit.
- b. Repealed by Session Laws 2007-550, s. 1(a), effective August 1, 2007.
- c. The Department shall deny an application for a permit for a solid waste management facility if the Department finds that:
 1. Construction or operation of the proposed facility would be inconsistent with or violate rules adopted by the Commission.
 2. Construction or operation of the proposed facility would result in a violation of water quality standards adopted by the Commission pursuant to G.S. 143-214.1 for waters, as defined in G.S. 143-213.
 3. Construction or operation of the facility would result in significant damage to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance. These areas include, but are not limited to, national or State parks or forests; wilderness areas; historic sites; recreation areas; segments of the natural and scenic rivers system; wildlife refuges, preserves, and management areas; areas that provide habitat for threatened or endangered species; primary nursery areas and critical fisheries habitat designated by the Marine Fisheries Commission; and Outstanding Resource Waters designated by the Commission.
 4. Construction or operation of the proposed facility would substantially limit or threaten access to or use of public trust waters or public lands.

5. The proposed facility would be located in a natural hazard area, including a floodplain, a landslide hazard area, or an area subject to storm surge or excessive seismic activity, such that the facility will present a risk to public health or safety.
 6. There is a practical alternative that would accomplish the purposes of the proposed facility with less adverse impact on public resources, considering engineering requirements and economic costs.
 7. The cumulative impacts of the proposed facility and other facilities in the area of the proposed facility would violate the criteria set forth in sub-sub-subdivisions 2. through 5. of this sub-subdivision.
 8. Construction or operation of the proposed facility would be inconsistent with the State solid waste management policy and goals as set out in G.S. 130A-309.04 and with the State solid waste management plan developed as provided in G.S. 130A-309.07.
 9. The cumulative impact of the proposed facility, when considered in relation to other similar impacts of facilities located or proposed in the community, would have a disproportionate adverse impact on a minority or low-income community protected by Title VI of the federal Civil Rights Act of 1964. This subdivision shall apply only to the extent required by federal law.
- d. Management of land clearing debris burned in accordance with 15A NCAC 02D.1903 shall not require a permit pursuant to this section.
- (4a) Repealed by Session Laws 2007-550, s. 1(a), effective August 1, 2007.
- (5) Repealed by Session Laws 1983, c. 795, s. 3.
- (5a) Designate a geographic area within which the collection, transportation, storage and disposal of all solid waste generated within said area shall be accomplished in accordance with a solid waste management plan. Such designation may be made only after the Department has received a request from the unit or units of local government having jurisdiction within said geographic area that such designation be made and after receipt by the Department of a solid waste management plan which shall include:
- a. The existing and projected population for such area;
 - b. The quantities of solid waste generated and estimated to be generated in such area;
 - c. The availability of sanitary landfill sites and the environmental impact of continued landfill of solid waste on surface and subsurface waters;
 - d. The method of solid waste disposal to be utilized and the energy or material which shall be recovered from the waste; and
 - e. Such other data that the Department may reasonably require.
- (5b) Subject to the limitations of G.S. 130A-291, authorize units of local government to require by ordinance, that all solid waste generated within the designated geographic area that is placed in the waste stream for disposal be collected, transported, stored and disposed of at a permitted solid waste management facility or facilities serving such area. The provisions of such ordinance shall not be construed to prohibit the source separation of materials from solid waste prior to collection of such solid waste for disposal, or prohibit collectors of solid waste from recycling materials or limit access to such materials as an incident to collection of such solid waste; provided such prohibitions do not authorize the construction and operation of a resource recovery facility unless specifically permitted pursuant to an approved solid waste management plan. If a private solid waste landfill shall be substantially affected by such ordinance then the unit of local government adopting the ordinance shall be required to give the operator of the affected landfill at least two years written notice prior to the effective date of the proposed ordinance.
- (5c) Except for the authority to designate a geographic area to be serviced by a solid waste management facility, delegate authority and responsibility to units of local government to perform all or a portion of a solid waste management program within the jurisdictional area of the unit of local government; provided that no authority over or control of the operations or properties of one local government shall be delegated to any other local government.

- (5d) Require that an annual report of the implementation of the solid waste management plan within the designated geographic area be filed with the Department.
- (6) Charge and collect fees from operators of hazardous waste disposal facilities. The fees shall be used to establish a fund sufficient for each individual facility to defray the anticipated costs to the State for monitoring and care of the facility after the termination of the period during which the facility operator is required by applicable State and federal statutes, regulations or rules to remain responsible for post-closure monitoring and care. In establishing the fees, consideration shall be given to the size of the facility, the nature of the hazardous waste and the projected life of the facility.
- (7) Establish and collect annual fees from generators and transporters of hazardous waste, and from storage, treatment, and disposal facilities regulated under this Article as provided in G.S. 130A-294.1.

(a1) A permit for a solid waste management facility may be transferred only with the approval of the Department.

(a2) Permits for sanitary landfills and transfer stations shall be issued for the life-of-site of the facility unless revoked. For purposes of this section, "life-of-site" means the period from the initial receipt of solid waste at the facility until the facility reaches its final permitted elevations, which period shall not exceed 60 years. Permits issued pursuant to this subsection shall take into account the duration of any permits previously issued for the facility and the remaining capacity at the facility.

(a3) As used in this section, the following definitions apply:

(1) "New permit" means any of the following:

- a. An application for a permit for a solid waste management facility that has not been previously permitted by the Department. The term includes one site suitability review, the initial permit to construct, and one permit to operate.
- b. An application that proposes to expand the permitted activity of the waste management facility through an increase of ten percent (10%) or more in (i) the population of the geographic area to be served by the sanitary landfill; (ii) the quantity of solid waste to be disposed of in the sanitary landfill; or (iii) the geographic area to be served by the sanitary landfill.
- c. An application that includes a proposed expansion to the boundary of a waste disposal unit within a permitted solid waste management facility.
- d. An application that includes a proposed change in the categories of solid waste to be disposed of in the sanitary landfill.
- e. An application for a permit to be issued pursuant to G.S. 130A-294(a2), which is issued for a duration of less than a facility's life-of-site based upon permits previously issued to a facility.

(2) "Permit amendment" means any of the following:

- a. An application for the five-year renewal of a permit for a permitted solid waste management facility or for a permit review of a permitted solid waste management facility. This sub-subdivision shall not apply to sanitary landfills or transfer stations.
- b. Any application that proposes a change in ownership or corporate structure of a permitted solid waste management facility.

(3) "Permit modification" means any of the following:

- a. An application for any change to the plans approved in a permit for a solid waste management facility that does not constitute a "permit amendment" or a "new permit."
- b. An application for a five-year limited review of a 10-year permit, including review of the operations plan, closure plan, post-closure plan, financial assurance cost estimates, environmental monitoring plans, and any other applicable plans for the facility.

(a4) In order to preserve long-term disposal capacity, a life-of-site permit issued for a sanitary landfill shall survive the expiration of a local government approval or franchise, and the local government shall allow the sanitary landfill to continue to operate until the term of the landfill's life-of-site permit expires provided that the owner or operator has complied with the terms of the local government approval or franchise agreement, and remains in compliance with those terms after expiration of the approval or agreement until the life-of-site permit has expired. In order to preserve any economic benefits included in the franchise, the County may extend the

franchise under the same terms and conditions for the term of the life-of-site permit. The extension of the franchise hereby shall not trigger the requirements for a new permit, a major permit modification, or a substantial amendment to the permit. This subsection only applies to valid and operative franchise agreements in effect on October 1, 2015.

(b) The Commission shall adopt and the Department shall enforce rules to implement a comprehensive statewide solid waste management program. The rules shall be consistent with applicable State and federal law; and shall be designed to protect the public health, safety, and welfare; preserve the environment; and provide for the greatest possible conservation of cultural and natural resources. Rules for the establishment, location, operation, maintenance, use, discontinuance, recordation, post-closure care of solid waste management facilities also shall be based upon recognized public health practices and procedures, including applicable epidemiological research and studies; hydrogeological research and studies; sanitary engineering research and studies; and current technological development in equipment and methods. The rules shall not apply to the management of solid waste that is generated by an individual or individual family or household unit on the individual's property and is disposed of on the individual's property.

(b1) (1) For purposes of this subsection and subdivision (4) of subsection (a) of this section, a "substantial amendment" means either:

a. An increase of ten percent (10%) or more in:

1. The population of the geographic area to be served by the sanitary landfill;
2. The quantity of solid waste to be disposed of in the sanitary landfill; or
3. The geographic area to be served by the sanitary landfill.

b. A change in the categories of solid waste to be disposed of in the sanitary landfill or any other change to the application for a permit or to the permit for a sanitary landfill that the Commission or the Department determines to be substantial.

(2) A person who intends to apply for a new permit for a sanitary landfill shall obtain, prior to applying for a permit, a franchise for the operation of the sanitary landfill from each local government having jurisdiction over any part of the land on which the sanitary landfill and its appurtenances are located or to be located. A local government may adopt a franchise ordinance under G.S. 153A-136 or G.S. 160A-319. A franchise granted for a sanitary landfill shall (i) be granted for the life-of-site of the landfill, but for a period not to exceed 60 years, and (ii) include all of the following:

a. A statement of the population to be served, including a description of the geographic area.

b. A description of the volume and characteristics of the waste stream.

c. A projection of the useful life of the sanitary landfill.

d. Repealed by Session Laws 2013-409, s. 8, effective August 23, 2013.

e. The procedures to be followed for governmental oversight and regulation of the fees and rates to be charged by facilities subject to the franchise for waste generated in the jurisdiction of the franchising entity.

f. A facility plan for the sanitary landfill that shall include the boundaries of the proposed facility, proposed development of the facility site, the boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the amount of waste to be received per day in tons, the total waste disposal capacity of the sanitary landfill in tons, a description of environmental controls, and a description of any other waste management activities to be conducted at the facility. In addition, the facility plan shall show the proposed location of soil borrow areas, leachate facilities, and all other facilities and infrastructure, including ingress and egress to the facility.

(2a) A local government may elect to award a preliminary franchise. If a local government elects to award a preliminary franchise, the preliminary franchise shall contain, at a minimum, all of the information described in sub-subdivisions a. through e. of subdivision (2) of this subsection plus a general description of the proposed sanitary landfill, including the approximate number of acres required for the proposed sanitary landfill and its appurtenances and a description of any other solid waste management activities that are to be conducted at the site.

(2b) A local government may elect to include as part of a franchise agreement a surcharge on waste disposed of in its jurisdiction by other local governments located within the State. Funds

collected by a local government pursuant to such a surcharge may be used to support any services supported by the local government's general fund.

- (3) Prior to the award of a franchise for the construction or operation of a sanitary landfill, the board of commissioners of the county or counties in which the sanitary landfill is proposed to be located or is located or, if the sanitary landfill is proposed to be located or is located in a city, the governing board of the city shall conduct a public hearing. The board of commissioners of the county or counties in which the sanitary landfill is proposed to be located or is located or, if the sanitary landfill is proposed to be located or is located in a city, the governing board of the city shall provide at least 30 days' notice to the public of the public hearing. The notice shall include a summary of all the information required to be included in the franchise, and shall specify the procedure to be followed at the public hearing. The applicant for the franchise shall provide a copy of the application for the franchise that includes all of the information required to be included in the franchise, to the public library closest to the proposed sanitary landfill site to be made available for inspection and copying by the public. The requirements of this subdivision shall not apply to franchises extended pursuant to subsection (a3) of this section.
- (4) An applicant for a new permit for a sanitary landfill shall request each local government having jurisdiction over any part of the land on which the sanitary landfill and its appurtenances are located or to be located to issue a determination as to whether the local government has in effect a franchise, zoning, subdivision, or land-use planning ordinance applicable to the sanitary landfill and whether the proposed sanitary landfill, or the existing sanitary landfill as it would be operated under the permit, would be consistent with the applicable ordinances. The request to the local government shall be accompanied by a copy of the permit application and shall be delivered to the clerk of the local government personally or by certified mail. In order to serve as a basis for a determination that an application for a new permit for a sanitary landfill is consistent with a zoning, subdivision, or land-use planning ordinance, an ordinance or zoning classification applicable to the real property designated in the permit application shall have been in effect not less than 90 days prior to the date the request for a determination of consistency is delivered to the clerk of the local government. The determination shall be verified or supported by affidavit signed by the chief administrative officer, the chief administrative officer's designee, clerk, or other official designated by the local government to make the determination and, if the local government states that the sanitary landfill as it would be operated under the new permit is inconsistent with a franchise, zoning, subdivision, or land-use planning ordinance, shall include a copy of the ordinance and the specific reasons for the determination of inconsistency. A copy of the determination shall be provided to the applicant when the determination is submitted to the Department. The Department shall not act upon an application for a permit under this section until it has received a determination from each local government requested to make a determination by the applicant; provided that if a local government fails to submit a determination to the Department as provided by this subsection within 15 days after receipt of the request, the Department shall proceed to consider the permit application without regard to a franchise, local zoning, subdivision, and land-use planning ordinances. Unless the local government makes a subsequent determination of consistency with all ordinances cited in the determination or the sanitary landfill as it would be operated under the new permit is determined by a court of competent jurisdiction to be consistent with the cited ordinances, the Department shall attach as a condition of the permit a requirement that the applicant, prior to construction or operation of the sanitary landfill under the permit, comply with all lawfully adopted local ordinances cited in the determination that apply to the sanitary landfill. This subsection shall not be construed to affect the validity of any lawfully adopted franchise, local zoning, subdivision, or land-use planning ordinance or to affect the responsibility of any person to comply with any lawfully adopted franchise, local zoning, subdivision, or land-use planning ordinance. This subsection shall not be construed to limit any opportunity a local government may have to comment on a permit application under any other law or rule. This subsection shall not apply to any facility

with respect to which local ordinances are subject to review under either G.S. 104E-6.2 or G.S. 130A-293.

- (5) As used in this subdivision, "coal-fired generating unit" and "investor-owned public utility" have the same meaning as in G.S. 143-215.107D(a). Notwithstanding subdivisions (a)(4), (b1)(3), or (b1)(4) of this section, no franchise shall be required for a sanitary landfill used only to dispose of waste generated by a coal-fired generating unit that is owned or operated by an investor-owned utility subject to the requirements of G.S. 143-215.107D.

(b2) The Department shall require an applicant for a permit or a permit holder under this Article to satisfy the Department that the applicant or permit holder, and any parent, subsidiary, or other affiliate of the applicant, permit holder, or parent, including any joint venturer with a direct or indirect interest in the applicant, permit holder, or parent:

- (1) Is financially qualified to carry out the activity for which the permit is required. An applicant for a permit and permit holders for solid waste management facilities that are not hazardous waste facilities shall establish financial responsibility as required by G.S. 130A-295.2. An applicant for a permit and permit holders for hazardous waste facilities shall establish financial responsibility as required by G.S. 130A-295.04.
- (2) Has substantially complied with the requirements applicable to any activity in which the applicant or permit holder, or a parent, subsidiary, or other affiliate of the applicant, permit holder, or parent, or a joint venturer with a direct or indirect interest in the applicant has previously engaged and has been in substantial compliance with federal and state laws, regulations, and rules for the protection of the environment as provided in G.S. 130A-295.3.

(b3) An applicant for a permit or a permit holder under this Article shall satisfy the Department that the applicant has met the requirements of subsection (b2) of this section before the Department is required to otherwise review the application.

(c) The Commission shall adopt and the Department shall enforce rules governing the management of hazardous waste. These rules shall establish a complete and integrated regulatory scheme in the area of hazardous waste management, implement this Part, and shall:

- (1) Establish criteria for hazardous waste, identify the characteristics of hazardous waste, and list particular hazardous waste.
- (1a) Establish criteria for hazardous constituents, identify the characteristics of hazardous constituents, and list particular hazardous constituents.
- (2) Require record keeping and reporting by generators and transporters of hazardous waste and owners and operators of hazardous waste facilities.
- (3) Require proper labeling of hazardous waste containers.
- (4) Require use of appropriate containers for hazardous waste.
- (5) Require maintenance of a manifest system to assure that all hazardous waste is designated for treatment, storage or disposal at a hazardous waste facility to which a permit has been issued.
- (6) Require proper transportation of hazardous waste.
- (7) Develop treatment storage and disposal standards of performance and techniques to be used by hazardous waste facilities.
- (8) Develop standards regarding location, design, ownership and construction of hazardous waste facilities; provided, however, that no hazardous waste disposal facility or polychlorinated biphenyl disposal facility shall be located within 25 miles of any other hazardous waste disposal facility or polychlorinated biphenyl disposal facility.
- (9) Require plans to minimize unanticipated damage from treatment, storage or disposal of hazardous waste; and a plan or plans providing for the establishment and/or operation of one or more hazardous waste facilities in the absence of adequate approved hazardous waste facilities established or operated by any person within the State.
- (10) Require proper maintenance and operation of hazardous waste facilities, including requirements for ownership by any person or the State, require demonstration of financial responsibility in accordance with this section and G.S. 130A-295.04, provide for training of personnel, and provide for continuity of operation and procedures for establishing and maintaining hazardous waste facilities.
- (11) Require owners or operators of hazardous waste facilities to monitor the facilities.

- (12) Authorize or require inspection or copying of records required to be kept by owners or operators.
- (13) Provide for collection and analysis of hazardous waste samples and samples of hazardous waste containers and labels from generators and transporters and from owners and operators of hazardous waste facilities.
- (14) Develop a permit system governing the establishment and operation of hazardous waste facilities.
- (15) Develop additional requirements as necessary for the effective management of hazardous waste.
- (16) Require the operator of the hazardous waste disposal facility to maintain adequate insurance to cover foreseeable claims arising from the operation of the facility. The Department shall determine what constitutes an adequate amount of insurance.
- (17) Require the bottom of a hazardous waste disposal facility to be at least 10 feet above the seasonal high water table and more when necessary to protect the public health and the environment.
- (18) Require the operator of a hazardous waste disposal facility to make monthly reports to the board of county commissioners of the county in which the facility is located on the kinds and amounts of hazardous wastes in the facility.

(d) The Commission is authorized to adopt and the Department is authorized to enforce rules where appropriate for public participation in the consideration, development, revision, implementation and enforcement of any permit rule, guideline, information or program under this Article.

(e) Rules adopted under this section may incorporate standards and restrictions which exceed and are more comprehensive than comparable federal regulations.

(f) Within 10 days of receiving an application for a permit or for an amendment to an existing permit for a hazardous waste facility, the Department shall notify the clerk of the board of commissioners of the county or counties in which the facility is proposed to be located or is located and, if the facility is proposed to be located or is located within a city, the clerk of the governing board of the city, that the application has been filed, and shall file a copy of the application with the clerk. Prior to the issuance of a permit or an amendment of an existing permit the Secretary or the Secretary's designee shall conduct a public hearing in the county, or in one of the counties in which the hazardous waste facility is proposed to be located or is located. The Secretary or the Secretary's designee shall give notice of the hearing, and the public hearing shall be in accordance with applicable federal regulations adopted pursuant to RCRA and with Chapter 150B of the General Statutes. Where the provisions of the federal regulations and Chapter 150B of the General Statutes are inconsistent, the federal regulations shall apply.

(g) The Commission shall develop and adopt standards for permitting of hazardous waste facilities. Such standards shall be developed with, and provide for, public participation; shall be incorporated into rules; shall be consistent with all applicable federal and State law, including statutes, regulations and rules; shall be developed and revised in light of the best available scientific data; and shall be based on consideration of at least the following factors:

- (1) Hydrological and geological factors, including flood plains, depth to water table, groundwater travel time, soil pH, soil cation exchange capacity, soil composition and permeability, cavernous bedrock, seismic activity, slope, mines, and climate;
- (2) Environmental and public health factors, including air quality, quality of surface and groundwater, and proximity to public water supply watersheds;
- (3) Natural and cultural resources, including wetlands, gamelands, endangered species habitats, proximity to parks, forests, wilderness areas, nature preserves, and historic sites;
- (4) Local land uses;
- (5) Transportation factors, including proximity to waste generators, route safety, and method of transportation;
- (6) Aesthetic factors, including the visibility, appearance, and noise level of the facility;
- (7) Availability and reliability of public utilities; and
- (8) Availability of emergency response personnel and equipment.

(h) Rules adopted by the Commission shall be subject to the following requirements:

- (1) Repealed by Session Laws 1989, c. 168, s. 20.
- (2) Hazardous waste shall be treated prior to disposal in North Carolina. The Commission shall determine the extent of waste treatment required before hazardous waste can be disposed of in

a hazardous waste disposal facility.

- (3) Any hazardous waste disposal facility hereafter constructed in this State shall meet, at the minimum, the standards of construction imposed by federal regulations adopted under the RCRA at the time the permit is issued.
- (4) No hazardous waste disposal facility or polychlorinated biphenyl disposal facility shall be located within 25 miles of any other hazardous waste disposal facility or polychlorinated biphenyl disposal facility.
- (5) Repealed by Session Laws 2001-474, s. 23, effective November 29, 2001.
- (6) The following shall not be disposed of in a hazardous waste disposal facility: ignitables as defined in the RCRA, polyhalogenated biphenyls of 50 ppm or greater concentration, and free liquids whether or not containerized.
- (7) Facilities for disposal or long-term storage of hazardous waste shall have at a minimum the following: a leachate collection and removal system above an artificial impervious liner of at least 30 mils in thickness, a minimum of five feet of clay or clay-like liner with a maximum permeability of 1.0×10^{-7} centimeters per second (cm/sec) below said artificial liner, and a leachate detection system immediately below the clay or clay-like liner.
- (8) Hazardous waste shall not be stored at a hazardous waste treatment facility for over 90 days prior to treatment or disposal.
- (9) The Commission shall consider any hazardous waste treatment process proposed to it, if the process lessens treatment cost or improves treatment over then current methods or standards required by the Commission.
- (10) Prevention, reduction, recycling, and detoxification of hazardous wastes should be encouraged and promoted. Hazardous waste disposal facilities and polychlorinated biphenyl disposal facilities shall be detoxified as soon as technology which is economically feasible is available and sufficient money is available without additional appropriation.

(i) The Department shall include in the status of solid waste management report required to be submitted pursuant to G.S. 130A-309.06(c) a report on the implementation and cost of the hazardous waste management program. The report shall include an evaluation of how well the State and private parties are managing and cleaning up hazardous waste. The report shall also include recommendations to the Governor, State agencies, and the General Assembly on ways to: improve waste management; reduce the amount of waste generated; maximize resource recovery, reuse, and conservation; and minimize the amount of hazardous waste which must be disposed of. The report shall include beginning and ending balances in the Hazardous Waste Management Account for the reporting period, total fees collected pursuant to G.S. 130A-294.1, anticipated revenue from all sources, total expenditures by activities and categories for the hazardous waste management program, any recommended adjustments in annual and tonnage fees which may be necessary to assure the continued availability of funds sufficient to pay the State's share of the cost of the hazardous waste management program, and any other information requested by the General Assembly. In recommending adjustments in annual and tonnage fees, the Department may propose fees for hazardous waste generators, and for hazardous waste treatment facilities that treat waste generated on site, which are designed to encourage reductions in the volume or quantity and toxicity of hazardous waste. The report shall also include a description of activities undertaken to implement the resident inspectors program established under G.S. 130A-295.02. In addition, the report shall include an annual update on the mercury switch removal program that shall include, at a minimum, all of the following:

- (1) A detailed description and documentation of the capture rate achieved.
 - (2) Repealed by Session Laws 2012-200, s. 21(b), effective December 31, 2017.
 - (3) In the event that a capture rate of at least ninety percent (90%) is not achieved, a description of additional or alternative actions that may be implemented to improve the mercury minimization plan and its implementation.
 - (4) The number of mercury switches collected, the number of end-of-life vehicles containing mercury switches, the number of end-of-life vehicles processed for recycling, and a description of how the mercury switches were managed.
 - (5) A statement that details the costs required to implement the mercury minimization plan.
- (j) Repealed by Session Laws 2007-107, s. 1.1(e), effective October 1, 2007.
- (k) Repealed by Session Laws 2017-209, s. 2(a), effective October 4, 2017.

(l) Disposal of solid waste in or upon water in a manner that results in solid waste entering waters or lands of the State is unlawful. Nothing herein shall be interpreted to affect disposal of solid waste in a permitted landfill.

(m) Demolition debris consisting of used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material may be used as fill and need not be disposed of in a permitted landfill or solid waste disposal facility. Such demolition debris may not be placed in the waters of the State or at or below the seasonal high water table.

(n) The Department shall encourage research and development and disseminate information on state-of-the-art means of handling and disposing of hazardous waste. The Department may establish a waste information exchange for the State.

(o) The Department shall promote public education and public involvement in the decision-making process for the siting and permitting of proposed hazardous waste facilities. The Department shall assist localities in which facilities are proposed in collecting and receiving information relating to the suitability of the proposed site. At the request of a local government in which facilities are proposed, the Department shall direct the appropriate agencies of State government to develop such relevant data as that locality shall reasonably request.

(p) The Department shall each year recommend to the Governor a recipient for a "Governor's Award of Excellence" which the Governor shall award for outstanding achievement by an industry or company in the area of waste management.

(q) The Secretary shall, at the request of the Governor and under the Governor's direction, assist with the negotiation of interstate agreements for the management of hazardous waste.

(r) Repealed by Session Laws 2014-3, s. 12.3(b), effective July 1, 2015.

(s) The Department is authorized to enter upon any lands and structures upon lands to make surveys, borings, soundings, and examinations as may be necessary to determine the suitability of a site for a hazardous waste facility or hazardous waste disposal facility. The Department shall give 30 days notice of the intended entry authorized by this section in the manner prescribed for service of process by G.S. 1A-1, Rule 4. Entry under this section shall not be deemed a trespass or taking; provided, however, that the Department shall make reimbursement for any damage to land or structures caused by these activities.

(t) Construction and demolition debris diverted from the waste stream or collected as source separated material is subject to a solid waste permit for transfer, treatment, and processing in a permitted solid waste management facility. The Department may adopt rules to implement this subsection.

(u) Garbage diverted from the waste stream or collected as source separated material is subject to a solid waste permit for transfer, treatment, and processing in a permitted solid waste management facility. The Department may adopt rules to implement this subsection. (1969, c. 899; 1973, c. 476, s. 128; 1975, c. 311, s. 4; c. 764, s. 1; 1977, c. 123; 1977, 2nd Sess., c. 1216; 1979, c. 464, s. 2; c. 694, s. 2; 1981, c. 704, s. 6; 1983, c. 795, ss. 3, 8.1; c. 891, s. 2; 1983 (Reg. Sess., 1984), c. 973, ss. 6, 7; c. 1034, s. 73; 1985, c. 582; c. 738, ss. 2, 3; 1985 (Reg. Sess., 1986), c. 1027, s. 31; 1987, c. 597; c. 761; c. 773, s. 1; c. 827, ss. 1, 250; c. 848; 1987 (Reg. Sess., 1988), c. 1111, s. 6; 1989, c. 168, ss. 15-22; c. 317; c. 727, s. 218(86); c. 742, s. 6; 1991, c. 537, s. 1; 1993, c. 86, s. 1; c. 273, s. 1; c. 365, s. 1; c. 473, ss. 1, 2; c. 501, s. 14; 1993 (Reg. Sess., 1994), c. 580, s. 1; c. 722, ss. 1, 2; 1995, c. 502, s. 1; c. 509, s. 70; 1995 (Reg. Sess., 1996), c. 594, ss. 6, 7; 1997-27, s. 2; 2001-357, s. 2; 2001-474, ss. 22, 23, 24, 25; 2002-148, s. 4; 2003-37, s. 1; 2006-256, ss. 1, 2, 3; 2007-107, ss. 1.1(b), 1.1(d), 1.1(e), 2.1(a); 2007-495, s. 14; 2007-550, s. 1(a); 2012-200, s. 21(a), (b); 2013-55, s. 1; 2013-408, s. 1; 2013-409, s. 8; 2013-413, ss. 28(e), 59(a), 59.4(e); 2014-3, s. 12.3(b); 2014-115, s. 17; 2014-122, s. 11(c); 2015-1, s. 2(c); 2015-241, s. 14.20(a); 2015-286, s. 4.9(a), (d); 2017-10 s. 3.1(a), (d); 2017-10 ss. 3.1(a), (d), 3.2(a), (b), (e), 4.14(f); 2017-209, ss. 2(a), 16, 17(b); 2017-211, s. 16(a), (b), (c), (d); 2018-114, s. 21(a); 2020-74, s. 11(c); 2020-78, s. 7.2(c).)

Attachment B
Franchise Ordinance

ORDINANCE NUMBER _____

TOWN COUNCIL OF THE TOWN OF NAVASSA, NORTH CAROLINA

**AN ORDINANCE GRANTING A FRANCHISE TO ELITE NEWCO I, LLC FOR THE
OPERATION OF A SANITARY LANDFILL FACILITY IN THE TOWN OF NAVASSA**

WHEREAS, the Town of Navassa (the “Town”) has statutory powers to regulate solid waste and to impose a reasonable but substantial fee on companies disposing of any form of waste within its jurisdictional boundaries pursuant to N.C. Gen. Stat. §§ 160A-311, 160D-319 and 130A-294(b1)(2); and

WHEREAS, Elite Newco I, LLC owns the property located at 3339 Mt. Misery Road, (PIN: 227003409066) (the “Property”), which is located within the jurisdiction of the Town of Navassa (the “Town”); and

WHEREAS, Elite Newco I, LLC proposes to construct and operate at the Property a sanitary landfill facility (the “Facility”) in accordance with Rules set forth in Section .1600 of the North Carolina Administrative Code (NCAC), Title 15A, Chapter 13B, which are administered by the North Carolina Department of Environmental Quality (NCDEQ) (the “Solid Waste Rules”); and

WHEREAS, as part of its landfill franchise application, Elite Newco I, LLC offers to pay the Town a franchise fee (“Host Fee”) equal to \$2.25 per ton, which tonnage fee is anticipated, at the Facility’s full operation, to provide the Town approximately \$1,046,250.00 per year in revenue; and

WHEREAS, granting a franchise does not allow the construction of the Facility, and Elite Newco I, LLC must still proceed through the special use permit process and NCDEQ review and permitting; and

WHEREAS, prior to taking final action on the franchise application, and pursuant to N.C. Gen. Stat. § 130A-294(b1)(3): 1) Elite Newco I, LLC provided a copy of the application for the franchise to the Leland Library, which is closest public library to the proposed sanitary landfill site to be made available for inspection and copying by the public; 2) copies of the franchise application were made available at Town Hall for any citizen to obtain; 3) the Town held a duly noticed public hearing on the franchise application; and 4) the Town conducted votes at two consecutive meetings pursuant to N.C. Gen. Stat. §160A-76(a) where the franchise ordinance was adopted; and

WHEREAS, after reviewing the available information and considering the request, the Town concludes that granting the requested franchise to operate the Facility and the payment of the Host Fee and other public benefits are reasonable and in the public’s interest.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Navassa, North Carolina that:

SECTION 1. Grant of Franchise. Pursuant to and in accordance with N.C. Gen. Stat. §§ 130A-294, 160A-76(a), and 160A-319, Elite Newco I, LLC (the “Franchisee”) is hereby granted a franchise to operate a sanitary landfill as defined in N.C. Gen. Stat. §130A-290 and in accordance with the Solid Waste Rules set forth in Section .1600 of the North Carolina Administrative Code (NCAC), Title 15A, Chapter 13B, which are administered by NCDEQ. The franchise shall also include the Franchisee’s right to recover and sell any materials received in the incoming waste stream, and to recycle the same, subject to all applicable state and local permitting.

SECTION 2. Term. The franchise granted by this Ordinance shall be granted for sixty (60) years and the life-of-site of the Facility, as defined in in N.C. Gen. Stat. § 130A-294(a2).

SECTION 3. Population to be Served. The Facility’s service area and population to be served includes the Town of Navassa and the following counties in North Carolina and South Carolina: Brunswick, Franklin, Warren, Vance, Wake, Lee, Moore, Richmond, North Hampton, Halifax, Nash, Wilson, Johnston, Harnett, Cumberland, Hoke, Robeson, Scotland, Columbus, Bladen, Pender, New Hanover, Sampson, Duplin, Currituck, Camden, Onslow, Craven, Carteret, Jones, Wayne, Lenoir, Beaufort, Duplin, Greene, Pitt, Edgecombe, Martin, Bertie, Hertford, Bertie, Gates, Pasquotank, Perquimans, Chowan, Washington, Tyrell, Dare, Hyde, Pamlico, Horry, Marion, Dillon, Marlboro, Darlington, Florence, Williamsburg and Georgetown. The population of each county and the total population are listed on Exhibit A attached.

SECTION 4. Characteristics of the Waste Stream. The Facility will accept only the solid waste that it is permitted to receive pursuant to the Solid Waste Rules (Allowed Waste). All other waste is prohibited.

(a) Prohibited Waste. Prohibited waste includes, but is not limited to: hazardous wastes, PCBs and liquid wastes, as those terms are defined in State law. The Franchisee shall establish and incorporate industry standard methods for monitoring all incoming waste streams in accordance with the Solid Waste Rules.

(b) Allowed Waste. The Facility shall be permitted to receive the following types of waste:

- (1) Municipal Solid Waste. Municipal solid waste as defined in N.C. Gen. Stat. §130-290(18a), including solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments.
- (2) Construction and Demolition Debris. Construction and demolition debris (“C&D”) as defined in N.C. Gen. Stat. §130-290(4), including solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures.

SECTION 5. Volume of Waste Stream. For the purpose of this Ordinance, volume is defined as the total amount of 3-dimensional space that a substance occupies. The total volume of waste in Unit 1 is estimated to be 17 million cubic yards and the total volume of waste in Unit 2 is estimated to be 4 million cubic yards, for an estimated combined volume of 21 million cubic yards.

SECTION 6. Projection of the Useful Life of the Facility. The useful life of the Facility measured in years is determined by the total capacity of the Facility in tons divided by the average annual waste disposal rate in tons per year. The projection of the useful life of the Facility may vary depending on a number of factors, including but not limited to, actual waste types received, annual tonnage, and operational factors. Below is an example calculation based on reasonable assumptions.

Example Projection of Useful Life

The volume of the Facility per the Facility Plan drawings is estimated at 21 million cubic yards. The volume of the Facility is converted to a weight (tons) by use of waste density factor. Per industry standards, this factor varies between 0.5 and 1.0 tons per cubic yard. For the purposes of this calculation, 0.75 tons per cubic yard is assumed. Using this waste density factor, the total capacity of the Facility in tons is 15,750,000 tons. The average annual waste disposal rate is assumed to be 465,000 tons. Therefore, the useful life of the Facility is estimated to be 35 years.

SECTION 7. Facility Plan. A facility plan has been submitted to the Town. The facility plan includes the boundaries of the proposed facility, the proposed development of the facility, the boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the amount of waste to be received per day in tons, the total waste disposal capacity of the Facility in tons, a description of environmental controls, and a description of any other waste management activities to be conducted at the facility as well as the proposed location of soil borrow areas, leachate facilities, and all other facilities and infrastructure, including ingress and egress to the facility. The facility plan is subject to final engineering, conditions imposed during the special use permit process, and modifications required by NCDEQ after review during the state permitting process.

A copy of the facility plan is on file in the Town clerk's office and has been available for public inspection at the Town clerk's office and at the Leland Library. The facility plan is hereby incorporated into this Ordinance by reference as if copied fully herein.

SECTION 8. Fees and Rates.

(a) Host Fees.

The Franchisee shall pay the Town monthly a Host Fee of two dollars and twenty-five cents (\$2.25) per ton of waste disposed of at the Facility. As an example, assuming an annual average waste acceptance rate of 465,000 tons, as described in Section 6 above, the Host Fee generated would be \$1,046,250.00 per year, or \$87,187.50 per month.

Each month's Host Fee shall be paid by the 30th day of the following month. Electronic/ACH or check payments shall be an acceptable form of payment. The official volume of waste disposed in the Facility shall be based on the Franchisee's annual report filed with the State of North Carolina.

The Host Fee for the first year in the amount of \$1,046,250,000 shall be paid up front to the Town within 60 days after the Franchise is granted and all other required approvals, including but not limited to, the Special Use Permit, are allowed by the Town and the State of North Carolina and are final and unappealable.

Franchisee shall confirm at the end of each reporting year, that the tonnages used to calculate the monthly payments match the official tonnage disposed reported in the annual report for the same period filed with the State of North Carolina. If the annual report shows total tonnage exceeding the sum of payments the Franchisee has paid the Town during that period, the Franchisee shall remit payment to the Town for the difference in tonnage at the two dollars and twenty-five cents (\$2.25) per ton rate within thirty (30) days of submitting the Franchisee's report to the State.

(b) Fee Schedule.

The Franchisee shall be responsible for setting Facility fees and rates. A copy of the fee schedule shall be provided to the Town Clerk at least once a year, no later than April 1st.

Fees and rates charged for disposal of waste in the Facility may change from time to time and shall be fees and rates determined by Franchisee to be commercially reasonable and competitive within the industry.

SECTION 9. Insurance. Throughout the duration of the franchise granted by this Ordinance, the Franchisee shall purchase and maintain an environmental liability insurance policy with coverage limits of no less than ten million dollars (\$10,000,000); a general liability insurance policy with coverage limits of no less than ten million dollars (\$10,000,000); and workers' compensation insurance coverage that complies with the applicable provisions of the North Carolina General Statutes.

SECTION 10. Hours of Operation. Hours of operation shall be 7:00 a.m. to 5:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 p.m. Saturday and closed on Sunday. Hours of operation may increase in response to natural disasters such as hurricanes, floods, and tornados.

SECTION 11. Litter Control. Franchisee shall collect litter, whether or not it is generated by vehicles delivering materials to the Facility, one-quarter (0.25) miles on either side of the entrance along Mt. Misery Road on a monthly basis, weather permitting. Litter pickup may be coordinated in conjunction with the State's Adopt-A-Highway program. Franchisee shall require individuals and companies using the Facility to comply with N.C. Gen. Stat. § 20-116(g) which requires all truckloads to be reasonably secured.

SECTION 12. Compliance with all Laws. The Franchisee shall operate the Facility in strict accordance with all applicable State and federal laws and regulations and shall comply with all permit(s) issued by the State of North Carolina.

SECTION 13. The effective date of this Ordinance shall be _____.

Adopted this _____ day of _____, 2026.

Mayor

Seal

Town Clerk

EXHIBIT A

County	Population (2020 Census)
Brunswick	136,693
Franklin	68,573
Warren	18,642
Vance	42,578
Wake	1,129,410
Lee	63,285
Moore	99,727
Richmond	42,946
Northampton	17,471
Halifax	48,622
Nash	94,970
Wilson	78,784
Johnston	215,999
Harnett	133,568
Cumberland	334,728
Hoke	52,082
Robeson	116,530
Scotland	34,174
Columbus	50,623
Bladen	29,606
Pender	60,203
New Hanover	225,702
Sampson	59,036
Duplin	48,715
Currituck	28,100
Camden	10,355
Onslow	204,576
Craven	100,720
Carteret	67,686
Jones	9,172
Wayne	117,333
Lenoir	55,122
Beaufort	44,652
Duplin	48,715
Greene	20,451
Pitt	170,243
Edgecombe	48,900
Martin	22,031
Bertie	17,934
Hertford	21,552
Bertie	17,934
Gates	10,478

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Pasquotank	40,568
Perquimans	13,005
Chowan	13,708
Washington	11,003
Tyrell	3,245
Dare	36,915
Hyde	4,589
Pamlico	12,276
Horry	351,029
Marion	29,183
Dillon	28,292
Marlboro	26,667
Darlington	62,905
Florence	137,059
Williamsburg	31,026
Georgetown	63,404
TOTAL	5,083,495

Attachment C
Facility Plan

- 1) THE BOUNDARIES OF THE PROPOSED FACILITY:
THE PROPOSED FACILITY BOUNDARY TOTALS APPROXIMATELY 735.24 ACRES.
- 2) PROPOSED DEVELOPMENT OF THE FACILITY SITE:
THE PROPOSED DEVELOPMENT OF THE FACILITY INCLUDES "WASTE DISPOSAL UNIT 1" AND "WASTE DISPOSAL UNIT 2" AND ASSOCIATED APPURTENANCES AS SHOWN ON THE FACILITY PLAN DRAWINGS.
- 3) THE BOUNDARIES OF ALL WASTE DISPOSAL UNITS:
WASTE DISPOSAL UNIT 1 TOTALS APPROXIMATELY 132 ACRES.
WASTE DISPOSAL UNIT 2 TOTALS APPROXIMATELY 38 ACRES.

THE BOUNDARIES OF UNITS 1 AND 2 ARE SHOWN ON THE FACILITY PLAN DRAWINGS.
- 4) THE FINAL ELEVATIONS AND CAPACITY OF ALL WASTE DISPOSAL UNITS:
THE FINAL ELEVATION OF WASTE DISPOSAL UNIT 1 IS APPROXIMATELY ELEVATION 290 FEET ABOVE MEAN SEA LEVEL. THE CAPACITY OF WASTE IN DISPOSAL UNIT 1 BETWEEN THE TOP OF PROTECTIVE COVER AND TOP OF INTERMEDIATE COVER IS APPROXIMATELY 17.0 MILLION CUBIC YARDS.

THE FINAL ELEVATION OF WASTE DISPOSAL UNIT 2 IS APPROXIMATELY ELEVATION 215 FEET ABOVE MEAN SEA LEVEL. THE CAPACITY OF WASTE IN DISPOSAL UNIT 2 BETWEEN THE TOP OF PROTECTIVE COVER AND TOP OF INTERMEDIATE COVER IS APPROXIMATELY 4.0 MILLION CUBIC YARDS.
- 5) THE AMOUNT OF WASTE TO BE RECEIVED PER DAY IN TONS
THE AMOUNT OF WASTE TO BE RECEIVED PER DAY IS APPROXIMATELY 2,000 TONS.
- 6) THE TOTAL WASTE DISPOSAL CAPACITY OF THE SANITARY LANDFILL IN TONS:
THE VOLUME OF THE FACILITY PER THE FACILITY PLAN DRAWINGS IS ESTIMATED AT 21 MILLION CUBIC YARDS. THE VOLUME OF THE FACILITY IS CONVERTED TO A WEIGHT (TONS) BY USE OF A WASTE DENSITY FACTOR. PER INDUSTRY STANDARDS, THIS FACTOR VARIES BETWEEN 0.5 AND 1.0 TONS PER CUBIC YARD. FOR THE PURPOSES OF THIS CALCULATION, 0.75 TONS PER CUBIC YARD IS ASSUMED. USING THIS WASTE DENSITY FACTOR, THE TOTAL CAPACITY OF THE FACILITY IN TONS IS 15,750,000 TONS.
- 7) A DESCRIPTION OF ENVIRONMENTAL CONTROLS:
WASTE DISPOSAL UNIT 1 AND WASTE DISPOSAL UNIT 2 WILL INCLUDE A BASE LINER SYSTEM AND FINAL COVER SYSTEM IN ACCORDANCE WITH STATE AND FEDERAL REQUIREMENTS FOR SUBTLE D LANDFILLS.

GROUNDWATER MONITORING AND LANDFILL GAS MONITORING WILL BE CONDUCTED AT THE FACILITY IN ACCORDANCE WITH STATE AND FEDERAL REQUIREMENTS.

STORMWATER FROM DISTURBED AREAS WILL BE DIRECTED TO SEDIMENT CONTROL DEVICES CONSTRUCTED IN ACCORDANCE WITH STATE AND FEDERAL REQUIREMENTS.
- 8) A DESCRIPTION OF ANY OTHER WASTE MANAGEMENT ACTIVITIES TO BE CONDUCTED AT THE FACILITY.
THE SOLID WASTE PERMIT APPLICATION SUBMITTED TO NCDEQ WILL INCLUDE AN "OPERATIONS PLAN" THAT WILL INCLUDE A DESCRIPTION OF ACTIVITIES NECESSARY FOR RECOVERY OF MARKETABLE ITEMS FROM THE INCOMING WASTE STREAM. ALL OPERATIONS FOR RECOVERY OF MARKETABLE ITEMS WILL TAKE PLACE WITHIN AREAS OF THE LANDFILL THAT HAVE RECEIVE A PERMIT TO OPERATE.

- 9) SOIL BORROW AREAS:
SOIL BORROW AREAS ARE IDENTIFIED ON THE FACILITY PLAN DRAWINGS.
- 10) LEACHATE FACILITIES
THE LEACHATE STORAGE TANKS ARE IDENTIFIED ON THE FACILITY PLAN DRAWINGS.
- 11) ALL OTHER FACILITIES AND INFRASTRUCTURE, INCLUDING INGRESS AND EGRESS TO THE FACILITY.
AN OFFICE AND SHOP BUIDLING IS IDENTIFIED ON THE FACILITY PLAN DRAWINGS.

SEDIMENT BASINS (IDENTIFIED AS "SB#") ARE LOCATED AROUND WASTE DISPOSAL UNIT 1 AND WASTE DISPOSAL UNIT 2.

THE PRIMARY INGRESS AND EGRESS TO THE FACILITY WILL BE FROM MOUNT MISERY ROAD VIA THE 125-FOOT SIDE ACESS AND UTILITIES EASEMENT LOCATED EAST OF THE FACILITY.

A SECONDARY INGRESS AND EGRESS TO THE FACILITY WILL BE FROM MOUNT MISERY ROAD ALONG THE NORTHERN PORTION OF THE FACILITY.

PLEASE NOTE

ALL LOCATIONS ARE APPROXIMATE AND SUBJECT TO CHANGE AFTER FINAL ENGINEERING AND PERMITTING REVIEWS AND APPROVALS BY DIVISION OF SOLID WASTE.



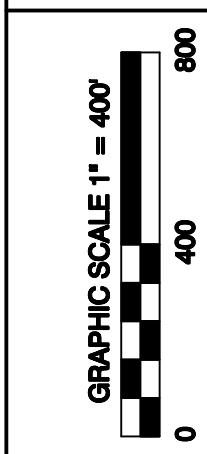


**GARRETT
& MOORE**
Engineering for the Power and Waste Industries
1029 West South Street
Raleigh, NC 27603
www.Garrett-Moore.com

ELITE NEWCO I, LLC

FACILITY PLAN DRAWINGS
NAVASSA WASTE
AND RECYCLING FACILITY

FACILITY PLAN DRAWING



SHEET
1

Attachment D
Draft Public Hearing Notice

**TOWN OF NAVASSA
NOTICE OF PUBLIC HEARING REGARDING A LANDFILL FRANCHISE
APPLICATION**

NOTICE IS HEREBY GIVEN that the Town Council for the Town of Navassa will hold a public hearing on July 16, 2026 at 7:30 pm at the Navassa Community Center, 338 Main Street, Navassa, North Carolina 28451, to consider an application submitted by Elite Newco I, LLC, for a franchise ordinance authorizing the construction and operation of a sanitary landfill within the Town's jurisdiction.

Proposed Franchise Ordinance

The proposed site for the sanitary landfill facility is approximately 735 acres located at 3339 Mount Misery Road, Navassa, NC. The proposed project consists of a modern sanitary landfill designed to accept municipal solid waste and construction and demolition debris. The proposed facility would be subject to all applicable federal, state, and local permitting requirements, including regulation by the North Carolina Department of Environmental Quality.

The proposed franchise ordinance is summarized as follows:

Term of the Franchise: The term of the franchise shall be for sixty (60) years and the life-of-site of the Facility as defined in N.C. Gen. Stat. § 130A-294(a2).

Population and Area to be served: The proposed service area for the proposed facility to be served includes the Town of Navassa and the following counties in North Carolina and South Carolina: Brunswick, Franklin, Warren, Vance, Wake, Lee, Moore, Richmond, North Hampton, Halifax, Nash, Wilson, Johnston, Harnett, Cumberland, Hoke, Robeson, Scotland, Columbus, Bladen, Pender, New Hanover, Sampson, Duplin, Currituck, Camden, Onslow, Craven, Carteret, Jones, Wayne, Lenoir, Beaufort, Duplin, Greene, Pitt, Edgecombe, Martin, Bertie, Hertford, Bertie, Gates, Pasquotank, Perquimans, Chowan, Washington, Tyrell, Dare, Hyde, Pamlico, Horry, Marion, Dillon, Marlboro, Darlington, Florence, Williamsburg and Georgetown. The estimated population to be served by the proposed facility is over five (5) million.

Volume and characteristics of the waste stream: The characteristics of the waste stream to be received at the facility is Municipal Solid Waste as defined in N.C. Gen. Stat. § 130-290(18a) which includes solid waste resulting from the operation of residential, commercial, industrial, governmental, and institutional establishments and Construction and Demolition Debris as defined in N.C. Gen. Stat. § 130-290(4) including solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures. There shall be no hazardous wastes, PCBs and liquid wastes, accepted at the facility. The volume of the waste for the life of the facility is estimated to be approximately twenty-one (21) million cubic yards with an annual waste disposal rate estimated to be approximately 465,000 tons.

A projection of the useful life of the sanitary landfill: The useful life of the facility is based on the total capacity of the facility in tons divided by the average annual waste disposal rate in tons per year. It is estimated that the useful life of the facility is approximately thirty-five (35) years.

Government Oversight and Regulation of Fees: Elite Newco I, LLC shall operate the facility in compliance with all applicable local, state, and federal laws and regulations and shall comply with all permits issued by the State of North Carolina for the operation of the landfill. If the franchise is approved and subsequent permitting at the local and state levels are approved, Further, Elite Newco I, LLC shall maintain environmental liability, general commercial liability, and workers' compensation insurance.

Elite Newco I, LLC shall pay to the Town of Navassa a monthly Host Fee of two dollars and twenty-five cents (\$2.25) per ton of waste disposed of at the Facility. Based on the estimated annual average waste acceptance rate of 465,000 tons per year, the estimated Host Fee generated would be \$1,046,250.00 per year, or \$87,187.50 per month. The schedule of fees shall be provided to the Town Clerk at least once per year.

Facility Plan: A facility plan for the sanitary landfill has been submitted to the Town. The facility plan includes the boundaries of the proposed facility, proposed development of the facility site, the boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the amount of waste to be received per day in tons, the total waste disposal capacity of the sanitary landfill in tons, a description of environmental controls, and a description of any other waste management activities to be conducted at the facility. In addition, the facility plan shows the proposed location of soil borrow areas, leachate facilities, and all other facilities and infrastructure, including ingress and egress to the facility. A copy of the facility plan is on file in the Town clerk's office and has been made available for public inspection at the Town clerk's office and the Leland Public Library.

On July 16, 2026, the Town Council will introduce the franchise application item and announce the allotted time for comments. The Council will then open the public hearing and hear comments from interested individuals.

Additional information regarding the proposed franchise application may be obtained from the Town of Navassa Planning Department at (910) 371-2432. Copies of the franchise application and supporting materials are available for public inspection at the Town clerk's office and the Leland Public Library.

This the ____ day of June, 2026.

TOWN OF NAVASSA