

The property subject to the Conditional Use Permit is described as Tax Map Numbers 37-A-69, 44-A-20, 45-A-1, 45-A-7, 44-A-19A, 44-A-13, 44-A-14, 44-A-19, 44-A-22, 44-A-36, 45-1-41, 45-2-2A, 45-2-2B, 44-A-21, and 38-A-7. The property is located on the north side of Route 60 at the Cumberland/Powhatan line. The Conditional Use Permit (“CUP”) is subject to the following conditions:

CONDITIONS

1. Master Plan. The preliminary site plan for Green Ridge Recycling and Disposal Facility (“Facility”) prepared by TRC Engineers, Inc., entitled “Preliminary Site Plan” dated [REDACTED] is referred to as the “Master Plan” and the area depicted thereon the “Site.” The development of a sanitary landfill authorized to accept municipal solid waste, certain industrial wastes, institutional waste, approved special waste and construction demolition debris as defined pursuant to the Virginia Waste Management ACT (“Act”) (Va. Code §§ 10.1-1400 e.t. seq. and Virginia Solid Waste Management regulations (9VAC20-81) (“Regulations”) and accessory and related uses (“Landfill” or “Facility”) on the Site, including without limitation, a Convenience Center, and Gas Collection and Conversion Power Plant, will be generally consistent with the Master Plan, but the location and dimensions of identified uses may differ from the master plan as may be required by the Virginia Department of Environmental Quality (VDEQ), Virginia Department of Transportation (“VDOT”), and other governmental agencies or as reasonably required for the efficient construction, management, and operation of the Landfill and related operations, with the uses generally retaining the same relation to each other as reflected on the master plan subject to the approval of and to the extent permitted by VDEQ, VDOT, and other applicable state and federal governmental departments and agencies, except that the location, design and dimensions of the Leachate Prohibition Area shown on Exhibit ___ and the initial disposal cell of approximately 104 acres (as shown on the Master Plan) shall substantially conform to the Master Plan except to the extent expressly otherwise required by VDEQ. Conformity with the Master Plan shall be reviewed during the final site plan approval process, as provided herein (“Final Site Plan” and “Final Site Plan Approval”).

2. Final Site Plan. Final Site Plan shall be submitted to the County Administrator or his designee, who shall review them for conformance with the County’s zoning ordinance, the terms of this CUP and the Master Plan approved in connection with this CUP. Permittee shall obtain County’s approval of a Final Site Plan for the Facility prior to commencing land disturbance at the Site. Provided, however, prior to the initial Final Site Plan approval, minor land disturbance is permitted for monitoring, testing, and cultural investigations as well as disturbances required by VDEQ or VDOT as part of any permitting process, improvements to or relocation of public roads, and construction of entrances into the Facility subject to necessary County approvals, applicable stormwater and erosion and sediment control laws or regulations. As provided herein and in general conformity with Exhibit X, the Facility will be developed in separate phases (each a “Phase”) as shown on Exhibit X within the Disposal Unit Boundary, as defined herein, and subject to VDEQ approval. Amendments to the Final Site Plan will be required for each additional expansion of the waste disposal area beyond the initial to approximately 104 acres waste disposal area shown on the Master Plan. The Final Site Plan amended, with any such expansion or amendment shall comply with the then existing State or Federal permits, laws and regulations and this CUP. Prior approval of each amendment and expansion the then existing Facility must be in compliance with all Federal permits, laws and

regulations and this CUP. The Final Site Plan and any amendment thereto shall provide at a minimum and consistent with the Zoning Ordinance and these conditions, and include detailed information regarding:

- a. the location and design of planned improvements including, but not limited to roads, staging areas, parking areas, lighting, buildings, and disposal cells;
- b. the location of streams, creeks and delineated wetlands, the topography, floodplains, soil and groundwater conditions;
- c. the buffers and any structures to be placed within the buffer areas adjoining the operational area (in accordance with the terms of this CUP and the plans for landscaping and screening augmentation;
- d. identification of steps to be taken to protect flood plains and water quality;
- e. stormwater management and erosion control plans; and
- f. transportation phasing plan
- g. details on the Facility fire suppression plan, as required by VDEQ. Prior to final approval of a fire suppression plan by VDEQ, applicant shall submit a draft plan to Cumberland County for comment and review, and the County's comments shall be submitted to DEQ for review.
- h. detailed designs and construction plans of the Facility's components, including disposal cells.
- i. information noting that all required state and federal permits have been obtained for the construction and operation of the Landfill.
- j. A Closure and Post Closure Plan as described in Condition 16, as approved by VDEQ. Prior to submission of a Closure and Post Closure Plan for approval by VDEQ, applicant shall submit a draft plan to Cumberland County for comment and review, and the County's comments shall be submitted to DEQ for review. Once the Closure and Post Closure Plan is approved by VDEQ, Cumberland County may require additional closure and post closure measures and procedures in addition to, but not in conflict with those approved by VDEQ at the time of Final Site Plan approval.
- k. Emergency Management and Contingency Plan ("EMC Plan") developed in accordance with state regulations including 9VAC20-82-140, as approved by VDEQ. Prior to final approval by of EMC Plan by VDEQ, the Permittee will submit the EMC Plan to the County for review and comment. This plan will delineate procedures for responding to fire and other emergency situations. Once the EMC plan is approved by VDEQ, Cumberland County may require reasonable additional emergency management and contingency terms, related to training and procedures in addition to, but not in conflict with those approved by VDEQ, at the time of Final Site Plan approval that require periodic

meetings, coordination with, and training for County First Responders as well as orientation meetings on site.

3. State and Federal Permits. Except for the exceptions set forth in condition 2 relative to land disturbance and construction, Permittee shall not commence construction of the Landfill until all necessary state and federal permits are obtained for the operation of the Landfill, and Permittee shall operate the Facility consistent with all applicable federal and state statutes and regulations and the terms and conditions of such permits issued for the Facility.

4. Service Area. Except for waste delivered directly from Cumberland County, Powhatan County, Buckingham County, Prince Edward County, Farmville, Goochland County, and Chesterfield County, only waste originating from transfer stations located in the Commonwealth of Virginia is permitted to be deposited at the Facility. No waste originating from transfer stations outside of Virginia or that is otherwise directly shipped, hauled or delivered from outside the Commonwealth of Virginia shall be deposited at the Facility.

5. Unacceptable Wastes. The Facility shall not accept for disposal in the Landfill any of the following items or substances (“Unacceptable Wastes”):

a. Any material the disposal of which, at the time of acceptance, would violate any then existing federal or state laws, rules, regulations or permits pertaining to a Landfill including this CUP;

b. Except for household waste as defined by VDEQ regulations, and the Resident Motor Fluids, any “Hazardous Waste”, which shall be deemed to be: (i) any waste defined as “hazardous waste” by Section C of the Resource Conservation and Recovery Act; (ii) any waste defined as “hazardous material” or identified as hazardous waste and described and regulated by VDEQ’s Hazardous Waste Management Regulations; (iii) solid waste, which because of its quantity, concentration or physical, chemical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health, the Landfill, or the environment when treated, stored, transported, disposed of, or otherwise managed; (iv) potentially infectious medical waste; (v) regulated levels of polychlorinated biphenyls as defined by the Toxic Substances Control Act. 15 U.S.C. § 2601-2629, or regulations adopted thereunder; and (vi) radioactive waste or low-level radioactive waste as defined by the Atomic Energy Act. 42 U.S.C. § 2011. et seq. or the Southeast Interstate Low-Level Radioactive Waste Management Compact, or the implementing regulations of either;

c. Any nonhazardous domestic, irrigation return flows or industrial wastewater sludges not approved for disposal by the VDEQ regulations. or industrial discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880);

- d. Any nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923);
- e. Any material number of animal carcasses disposed of in a single day or, except as authorized by VDEQ, without specific written approval by the County;
- f. Wastewater treatment and industrial sludges or other sludges of any kind;
- g. As defined by VDEQ, any fly ash and bottom ash or other by-product of the burning of coal to produce electricity;
- h. Any recycled or processed construction and demolition debris (“Processed C&D”) from a Construction Demolition Debris Recycling Facility that Permittee knows at the time of Permittee’s acceptance of the material did not recycle out sheetrock. Before knowingly accepting material from a Construction Demolition Debris and Recycling Facility. Permittee will require the Construction Demolition Debris Recycling Facility to certify that it recycles out the sheetrock from its Processed C&D.
- i. Any Resident Motor Fluids shall be contained in corrosive-resistant above-ground storage tank(s) and shall be transported off-site and disposed of in compliance with all state and federal laws and regulations.

6. State and Federal Applications, Project Data Room. Copies of all final applications and material submittals for State and Federal permits associated with the Facility, and any subsequent updates thereto shall be provided to the County Administrator, or designee, contemporaneously with the submission to the respective agency. These materials will be uploaded to a data room or share file site maintained by Permittee, to which Cumberland County staff will have access and receive automatic updates upon uploading of materials by Permittee (the “Project Data Room”) .

7. Convenience Center. During the operation of the Facility to accept Compensable Waste, Permittee shall provide a Convenience Center to be located on the Site for use by the residents of the County for the free disposal of Household Waste and the drop off of recyclable materials, as well as for the disposal of tires for which Permittee may charge a fee, that shall not exceed 150 percent of Permittee’s actual cost of disposing of such tires, the cost of which shall be provided to the County prior to operation of the Facility and upon any change in price charged for tire disposal. Provided further, Permittee shall also accept small amounts of Construction and Agricultural Waste and other inorganic Agricultural Waste, which Permittee believes, in its discretion, will not pose a risk to increase odor at the Landfill. The determination of the amount of Agricultural Waste Permittee will accept from County residents free of charge is to be determined in the reasonable discretion of Permittee. The Convenience Center will have recycling containers, trash disposal containers, and compacting equipment, as may be necessary. The recycling Containers will be provided by Permittee and recycled goods will be processed by Permittee. The Convenience Center shall include a collection system for oils, antifreeze, and possibly related hazardous materials (collectively “Resident Motor Fluids”) intended for the use of Cumberland County residents free of charge. Any Resident Motor Fluids shall be contained

and shall be transported off-site for ultimate disposal in compliance with all state and federal laws and regulations. The Convenience Center will be accessed separately from the landfill disposal area. The hours and operation of the Convenience Center as provided herein shall remain in effect regardless of the hours or operation or temporary closure of the Landfill.

8. Facility Hours.

a. The maximum Landfill operating hours to accept Compensable Solid Waste shall be 6:00 AM to 5:00 PM on weekdays and 6:00 AM to 1:00 PM on Saturday. Waste shall only be accepted during these operational hours. During other times, only trucks and vehicles owned and operated by Permittee shall be admitted to the solid waste management facility. At a minimum, Permittee shall employ appropriate supervisors, managers and mechanics, as well as equipment operators, laborers and office personnel. Permittee shall have sufficient equipment on site to ensure orderly operation of the Facility.

b. At a minimum, the Convenience Center shall be open to County residents six (6) days a week, except holidays, during business hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and from 7:00 a.m. to 1:00 p.m. on Saturday.

9. Facility Access, Daily Disposal Limit. Ingress and egress to and from the Facility shall be by way of an access road(s) connecting the Facility with State Route 60 (the "Route 60 Access") or Route 654 ("Pinegrove Road" or "Route 654") as provided herein:

a. Daily Tonnage Limit for Pinegrove Road: A maximum of 1,500 tons per day of Compensable Solid Waste per day may access the Facility from Pinegrove Road. Weight generated by the Convenience Center, Permittee's service of Cumberland County Transfer Stations and natural disaster waste approved by VDEQ and Cumberland County shall not be included in this total.

b. Modification of Pinegrove Road: Except for any widening, turn lanes or safety improvements required by VDOT, Pinegrove Road shall not be relocated by Permittee in connection with the Facility.

c. Modification of Miller Lane: Any relocation of Miller Lane shall be designed and paved to VDOT standards.

d. Construction of the Route 60 Access, Continued Use of Pinegrove Road, Access:
i. Permittee shall apply for all necessary State and Federal Permits to construct an access road for the Facility off Route 60 in conjunction with an expansion of the waste disposal boundary within five (5) years of commencement of operation of the Facility. Copies of these draft permit applications shall be provided to the County prior to submission to the respective agencies for review and be uploaded to the Project Data Room upon being submitted for approval. The applications for the necessary State and Federal Permits shall be in a form and substance that is consistent with applicable industry and engineering standards, and as necessary, Permittee shall amend such applications pursuant to feedback from respective agencies. Applicant shall diligently and expeditiously pursue the necessary State and Federal Permits.

ii. Subject to weather conditions and other events beyond Permittee's control, if the necessary State and Federal Permits for the Route 60 Access and expansion are approved, the Route 60 Access shall be constructed two (2) years from the date of approval of all necessary permits.

iii. In the event the necessary State and Federal permits are not approved, Permittee shall reapply for the necessary State and Federal Permits for the Route 60 Access and expansion within five (5) years of receipt of rejection of the applicable permit. If at any point the Permittee should apply to Cumberland County to expand the Disposal Unit Boundary as defined in Condition 9 or apply to VDEQ for authorization to exceed 1,500 tons per day in Compensable Solid Waste, Permittee shall also reapply for the necessary State and Federal Permits to construct the Route 60 Access, if not yet permitted. As provided in Condition 8(a) above, a maximum of 1,500 tons per day of Compensable Solid Waste may access the Facility from Pinegrove Road, irrespective of any modification of the daily disposal limit by VDEQ.

iv. Once the Route 60 Access is constructed, it shall become the main commercial entrance for the Facility and Pinegrove Road shall not be used for the delivery of Compensable Solid Waste. Pinegrove Road may continue to be used for access to the Convenience Center. Only commercial vehicles and Permittee owned vehicles will be allowed into the working area of the landfill via the Route 60 Access.

vi. Permittee will sweep all entrance roads to the Facility daily, weather permitting, excluding Sundays and Holidays.

vii. Access Point(s) to the Landfill shall be equipped with a gate which shall be closed and locked during non-operating hours. Access after operating hours will be allowed only to employees of Permittee and Landfill personnel.

- e. Daily Disposal Limit of the Route 60 Access: Once the Route 60 Access is constructed, the Facility shall be subject to a Daily Disposal Limit of 3,500 tons per day excluding waste from the Convenience Center and natural disaster waste approved by VDEQ and Cumberland County.

10. Traffic, Facility Entrances. All VDOT permitting shall be completed by Permittee at its expense. If VDOT determines a signal and/or other road improvements, including turn lanes, are necessary at any new intersection with Route 60 and/or an intersection created on Route 654 at any point during the operation of the Facility, such improvements shall be provided at Permittee's expense. During any Site Plan Amendment for an additional Phase beyond the approximately 104 acres of waste disposal area shown on the Master Plan as provided in Condition 2, the County may request an updated Traffic Impact Analysis, prepared at Permittee's expense, to determine if road improvements are necessary to accommodate the expanded use of the Facility in as required by VDOT. Further, subject to VDOT approval, streetlights on either side of any entrance on Route 60 shall be installed, with the spacing and design of each street light along Route 60, as well as street lights at the intersection used to access the facility

intersecting with Pinegrove Road, as determined by VDOT and approved at the time of Final Site Plan review.

11. Scales. Permittee shall operate scales at the Landfill entrance or at such other location as may be determined by Permittee to ensure the proper weighing of vehicles entering the Landfill. Scales will be of a type and quality customarily used in the industry and shall be properly maintained and operated. Except for pricing, scale data will be uploaded monthly to the Project Data Room, and scale data will also be available for review by the County at the Landfill during normal business hours at the facility's scale house.

12. Exterior Buffers and Setbacks.

a. General Buffers and Setbacks Applicable to the Facility: In addition to any buffers and setbacks required by VDEQ and VDOT, except for areas required for entrance road(s) accessing the Site, at a minimum, all components of the Facility shall have a buffer and setback of not less than 200 feet except where noted and generally identified on the Master Plan. The buffers and setbacks shall generally be designed and located as depicted on the Master Plan. The Facility entrance (s) may also include a convenience center, scales, scale house, hardware, gate and related uses and structures, to which the buffer and setback requirements shall not apply. The shape and design of buffers shall generally conform to that depicted on the Master Plan except where clearing is necessary for access roads, utility easements, monitoring wells and other environmental structures, and screening berms. Clearing for such features shall be kept to a minimum and when possible, these features shall be located in areas with the least impact to adjacent property owners and the motoring public. Natural vegetation shall be maintained in such buffers and supplemented where necessary with evergreens to ensure that landfill operations are not visible offsite under all seasonal conditions. The obligation to maintain this buffer shall remain in effect for the duration of this permit and in the event portions of the buffer are compromised due to natural or human caused factors, Permittee shall plant supplemental vegetation as needed and upon reasonable demand the County.

b. Buffers and Setbacks Applicable to the Disposal Unit Boundary: The Disposal Unit Boundary (as defined in Condition 13 below) shall at a minimum have buffers and setbacks in accordance with and as defined by applicable VDEQ Regulations. Additionally, except as generally shown on the Master Plan, the areas of the Landfill's Disposal Unit Boundary as defined by this Permit and as permitted by VDEQ shall be sited:

1. Not less than 300 feet from the nearest residence in existence as of the date of the purchase of the site by Permittee or its affiliates (the "Purchase Date");
2. Not less than 500 feet from any well or spring being used for drinking water as of the effective date of the approval of this Permit until such time the well or spring is no longer used for drinking water through no fault of the operation of the Landfill; and
3. Not less than 250 feet from any public road.
4. Not less than 100 feet from a perennial stream or river as identified by the US Army Corps of Engineers, except as permitted by State or Federal Agencies, as applicable.
5. No portion of the Disposal Unit Boundary or leachate management system shall be located West of Pinegrove Road. In connection with the Landfill and its accessory uses, areas of the Facility west of Pinegrove Road may be used for construction staging, laydown

yards, parking or other uses as administratively approved by the County Administrator or their designee. Such uses in this area shall be buffered from adjacent properties and Pinegrove Road by a vegetative buffer of no less than fifty (50) feet in width except for entrance roads, monitoring wells, utilities, and required environmental features.

13. Facility Height. The height of any buildings associated with the Facility will not exceed forty (40) feet. The height of any appurtenant structures (such as leachate collection tanks) will not exceed fifty-five (55) feet above existing ground elevation unless otherwise approved by the County at the time of site plan review. The overall height of the Facility, including, without limitation the Facility's earthen mounds, shall not exceed 545 in elevation above sea level.

14. Disposal Unit Boundary. The area of land upon which waste is directly deposited (the "Disposal Unit Boundary") of the Facility shall not exceed 350 acres and substantially conform to the location and orientation as indicated on the Master Plan. Individual disposal cells within the Disposal Unit Boundary shall be developed, opened and closed in accordance with the Phasing Plan approved by VDEQ and submitted by the Permittee and approved by the County with the Final Site Plan or any amendment thereto. The initial general phasing plan is attached as Exhibit X

15. Groundwater Monitoring. Groundwater shall be monitored in accordance with VDEQ regulations as reflected in the approved Landfill permit. Copies of VDEQ monitoring reports shall be uploaded to the Project Data Room. Permittee shall allow the County to install additional groundwater monitoring wells on, at or around the Facility under the direction of a "qualified groundwater scientist" as defined by VDEQ, at the County's expense of installing and monitoring. (If the additional wells are to be incorporated into the permitted groundwater monitoring system, the well construction and location are subject to the approval by VDEQ and a major modification filed with VDEQ for incorporation.)

16. Fuel Storage. All fuels stores at the Facility shall be maintained in approved corrosive-resistant, above ground storage tanks. Bulk fuels shall not be stored in buildings on the site. Fuel stores or other holding tanks at the Facility shall be noted on any site plan for approval by the County Administrator, or designee.

17. Facility Closure. The Facility shall comply with all applicable state and federal laws, and VDEQ Regulations relating to closure of the Facility and post-closure monitoring including 9VAC20-81-160, as it may be amended from time to time. The Closure and Post Closure Plan required by Condition 2(j) shall be updated in connection with any VDEQ permit amendment and uploaded to the Project Data Room. Two (2) years prior to the closure of the Facility, Permittee shall give notice to the County of the pending closure of the Facility and a Final Use Plan shall be submitted to the County for their review and approval. After such plan is approved by the County, the Final Use Plan must be approved by VDEQ prior to initiating closure. In the event of any conflict between the County approved Final Use Plan and that approved by VDEQ, the VDEQ plan shall be controlling. The Final Use Plan, including the use of the site for public or private purposes shall be developed in coordination with engineers, landscape architects and other professionals as deemed necessary by the County, at Permittee's expense. The post closure care for the Landfill shall be in compliance with 9VAC20-81-170.

18. Litter Control. The Permittee shall employ persons to patrol the Facility and surrounding public property, including those public roads within one-half (1/2) mile of the new intersection of the access

road and State Route 60 and at the intersection of Route 685, to collect litter, as well as Pinegrove Road from Route 60 to the Landfill entrance on Pinegrove Road, if there is an entrance on Pinegrove Road. These patrols shall be conducted no less than twice weekly and upon reasonable demand of the County.

19. Stormwater Management. Permittee shall implement and maintain all stormwater management and erosion control measures as required by applicable state regulations and local ordinances. As each Phase is developed and the Final Site Plan amended, any such expansion or amendment shall comply with the then existing stormwater management and erosion and sediment regulations.

20. Inspections. The County Administrator, or designee, shall have the right to inspect the Facility during operating hours.

21. Leachate Management, Intermediate and Final Cover Odor Control Monitoring, Water Monitoring

a. Permittee shall manage all leachate at the Facility in accordance with the applicable VDEQ permit. Provided, further, except as required by VDEQ, leachate management facilities shall not be located in the Leachate Prohibition Area unless otherwise expressly required by VDEQ. The Facility shall comply with VDEQ regulations pertaining to the placing of intermediate and final cover.

b. The Permittee shall comply with VDEQ regulations pertaining to the placement of intermediate and final cover over any area of the Disposal Unit Boundary.

c. The Permittee comply with VDEQ regulations relating to the monitoring and control of decomposition gases produced at the Facility.

d. Permittee shall implement a surface water monitoring plan for natural streams and other surface water bodies located on or adjacent to the Facility that conforms to applicable state requirements.

22. Waste Inspection. Permittee shall have an inspection program of each truck to verify that all incoming waste is acceptable in content and origin. Records relating to waste accepted at the Facility shall be maintained and will be available for review at any time during operating hours by the County Administrator or his/her designee. Permittee shall train personnel employed at the Facility to identify unauthorized wastes, including familiarity with typical containers, markings, labels and placards that aid in recognizing unauthorized wastes. As appropriate, sensors and video equipment, including radiation detection equipment, shall be used as part of the screening protocol.

a. Non-Approved Waste. Permittee will maintain an active “Unauthorized Waste Screening Program,” and all personnel involved in screening, shall be trained in this program. Signs shall be conspicuously posted informing users of acceptable and non-acceptable types of waste.

b. A scale house attendant and a convenience center attendant shall be present during operating hours to screen incoming waste. The attendant shall screen out unauthorized vehicles and vehicles with unauthorized cargo.

23. Survey Benchmarks. On-site permanent survey benchmarks for horizontal and vertical control will be established at the Facility. There will be annual topographic surveys of the active landfill which will be uploaded to the Project Data Room on or before April 1 for the previous year for each year the Facility remains in operation.

24. Interior Roads and Entrances. Roads within the Facility shall be graded as necessary to maintain smooth, well-drained surfaces. During dry periods, dust control shall be maintained. All roads within the Site necessary for the operation of the Facility shall be kept in passable condition and maintained after closure. Permanent unpaved roads within the Site shall be covered with gravel or other suitable material. Except for the incoming entrance road on Route 60 which shall be at least fifty (50) feet from adjacent property lines, internal roads will have a setback of at least one-hundred (100) feet from adjacent property lines of properties not owned by Permittee or its subsidiary or affiliate, except (i) as necessary to access the Facility; (ii) as contained in the approved VDEQ Part A and Park B permits; and/or (iii) as required by VDOT or as otherwise approved at the time of site plan review. All entrances to the Site shall be paved from the intersection with public roads for a minimum distance of 120 feet into the Facility.

25. Repair of Pinegrove Road. Permittee shall repair any damage to Pinegrove Road caused by the construction of the Facility and damage to Pinegrove Road by any tractor trailers delivering for waste for disposal at the Facility. All repairs shall be completed in coordination with and to the standards required by VDOT. Permittee shall repair the roads subject to this condition on an as-needed basis or upon notice of need of repair by the County. Subject to weather and other events beyond Permittee's control, repairs shall be completed within one hundred and twenty (120) days, subject to extension by written agreement by the County.

26. Soil Borrowing and Stockpiling. The sides of all borrow areas within the Facility shall be graded to prevent sudden changes in slopes. All stockpiles of overburden shall be graded to minimize erosion potential and to prepare the site for future uses in the final plan. All borrow areas and stockpiles shall be designed and maintained in accordance with applicable Erosion and Sediment Control and Stormwater regulations.

27. No Expiration, Notice of Termination. This CUP shall not expire or terminate, except as provided herein and has no time limitation in connection with the construction and operation of the Landfill. If after approval of this CUP but prior to the operation of the Facility, Permittee chooses not to develop the Project and provides County notice of such intent (the "Notice of Early Termination"), this CUP shall be terminated and of no force and effect.

28. Noise. In lieu of the noise standards set forth in Section 74-587(a)(1) of the Zoning Ordinance, the following standard shall apply to the Facility: Any noise resulting from the Facility's operations, defined to include all aspects of Permittee's work once the Facility begins operations, shall not exceed sixty-seven decibels at the property line of any adjacent parcel not owned by Permittee or their affiliate. Where the Facility abuts a public road, this limitation shall apply at the property line of any parcel not owned by Permittee or its affiliates abutting the public road. If the noise level at such line exceeds the permitted limit, the Company, after receiving written notice and a reasonable opportunity to cure as provided in condition 34, shall take corrective measures to eliminate such noise that exceeds the aforementioned threshold level. This noise restriction shall not apply at and along the entrance(s) from the Facility to any public road.

Except for bird control, operations at the Facility shall not involve the use of any external speakers.

29. Lighting. In lieu of the glare and lighting standards set forth in Section 74-587(a)(2) of the Zoning Ordinance, the following standard shall apply to the Facility: Once construction of the ancillary facilities located within the Facility are complete, the maximum illumination at the property lines of the Facility shall be limited to .5 foot candles. Permanent exterior lighting fixtures on the Facility property shall not exceed thirty (30) feet in height above grade level. The exterior lighting fixtures shall be “shoebox” or similar type capable of shielding the light source from direct view, downlit and “dark sky compliant.” Provided, however, this condition 26 shall not apply to the lighting required for the entrance(s) to the Facility from any public road.

30. Odor. In lieu of the odor standards set forth in Section 74-587(a)(9) of the Zoning Ordinance, the following standard shall apply to the Facility: The Facility shall implement a landfill gas management plan as approved by VDEQ with an odor control and corrective measures plan (“OCCMP”) component. The OCCMP shall consist of the following elements: 1) Objective, 2) Source Identification, 3) Reporting and Monitoring, 4) Operational Controls, and 5) Landfill Gas System. The plan shall comply with VDEQ regulations and all reports generated by such plan shall be uploaded to the Project Data Room.

31. Gas Collection. An active gas collection system shall be installed and operational within six (6) years of the commencement of the Landfill’s operations.

32. Community Liaison, Complaint Investigation. Permittee shall designate an employee of the Facility to handle questions, inquiries and complaints from Cumberland County residents relating to the operation of the Facility (the “Community Liaison”). This persons contact information shall be made generally available to the residents of Cumberland County by posting on the Facility’s website, in a visible location at the Convenience Center and on the County’s website. Reports of the written complaints received by the Community Liaison shall be uploaded to the Project Data Room on, at minimum, a monthly basis. Any complaints relating to odor and bird control shall be addressed by following the procedure as follows:

- A. The Community Liaison shall respond to the interested party in writing.
- B. The Community Liaison shall reasonably meet with the interested party, upon their request, investigating the inquiry.
- C. A written report on the inquiry shall be filed to the Project Data Room and discussed with the County Zoning Administrator and Landfill Liaison detailing any corrective measures initiated by Permittee, as applicable.
- D. The Project Liaison shall, in coordination with the Zoning Administrator, VDEQ and other necessary employees of the Permittee, confirm the Facility remains in compliance with VDEQ standards and the terms of this permit relative to odor and bird control. Upon such confirmation, the inquiry shall be deemed to be “closed” as Permittee’s obligations satisfied. In the event of multiple complaints from the same person or entity are received within the same six (6) month period relating to the same issue which has been vetted as provided herein, the Permittee may satisfy such response by completing the steps outlined in Sections A and B of this section.

- E. If requested by the County, the Community Liaison shall hold up to quarterly community meetings to discuss odor and bird control complaints.

33. Landfill Liaison

a. Except for the activities identified in Condition 2 pertaining certain land disturbances and construction prior to Final site plan approval, commencing upon Permittee's receipt of land disturbance permits for the construction of the Facility, Permittee will reimburse the County up to a maximum of \$125,000.00 per annum, to defray costs and expenses of employing a County Landfill Liaison. The amount of reimbursement shall be adjusted annually by three percent (3%) in January of each year and all reoccurring payments shall be made on or before the anniversary of Permittee's receipt of land disturbance permits. The Landfill Liaison shall be a County employee, independent contractor or third party engineering or consulting organization and shall not be an employee or contractor of Permittee.

b. The Landfill Liaison's duties shall include monitoring and inspection of construction of the Facility and once operational, the waste disposal practices at the Facility and monitoring for compliance with all requirements of the Host Agreement, Zoning Ordinance, this CUP and the approved Final Site Plan (and any amendment thereto) and all associated studies and reports. The Landfill Liaison shall have access to the Landfill at all times during construction and once operational, during operating hours, and at such other times, upon prior notification to Permittee, as may be reasonable and necessary to perform his duties. The Landfill Liaison may employ third party experts to assist in its inspection and monitoring of the construction and operation of the Facility, who shall have all rights to access and inspect the of the Landfill Liaison.

c. Subject to compliance with safety requirements prescribed by Permittee, which may include, without limitation, training, use of protective equipment and escort by Permittee's personnel, the Landfill Liaison shall have access to the Site during construction and operation, including the working areas of the Landfill.

d. The Landfill Liaison shall have access to Landfill design documents, studies, reports and records as necessary perform those duties outlined in Section 31(b) above.

34. Compliance with Virginia Code. To the extent not already addressed by other conditions herein. Permittee shall comply with County Code § 74-583(3)(a-q) and will submit all plans required under § 74-583(3) to the County prior to the commencement of operations at the Landfill and will satisfy and comply with all other requirements of § 74-583(3)(a-q).

35. Landfill Liner. At minimum, a double liner system shall be installed underneath the waste disposal area of the Landfill, or its functional equivalent.

36. Compliance, Violations. The Board of Supervisors reserves the right to terminate this CUP upon noncompliance with any one or more provisions of the CUP, Host Agreement and/or any permit issued by VDEQ after an opportunity to cure the noncompliance in accordance with the terms below.

- a. During construction of the Facility, any situation that either has caused or is likely to cause imminent harm or endangerment to life or significant damage to property or that

constitutes a material deviation from any approved design, plan or specification for the construction of the Facility may result in an order that the Permittee pause construction (“Stop Work Order”). The County’s determination for Stop Work must be based on the opinion of the Landfill Liaison who is an engineer licensed in Virginia with the concurrence of the Zoning Administrator. Stop Work Orders may be issued 72 hours after delivery of a written notice of violation (“Pending Stop Work Order Notice”) by the Zoning Administrator to the Permittee by email or written notice. Upon issuance of a Stop Work Order or Pending Stop Work Order Notice, the Permittee shall meet and/or communicate with the County and determine a process for resolving the situation. Commencement of a remedial process or the agreement with the County on a plan for such remediation to the County’s satisfaction shall deem the Pending Stop Work Order Notice or the Stop Work Order, as applicable, to have been withdrawn.

b. **Violations, Notice and Remediation.** Any material violation of these Conditions, the County Zoning Ordinance or any permit issued by a state or federal authority, including but not limited to VDEQ that continues for more than 60 days after the date a written notice of violation (“NOV”) is delivered by certified mail, return receipt requested, to the Permittee’s designated point of contact as provided in writing to the Zoning Administrator may result in the initiation of proceedings by the County to revoke the CUP. No such proceeding may be initiated, however, as long as the Permittee has submitted in writing to the Zoning Administrator a plan to remediate the issues raised by the NOV. The NOV may result in revocation of this SE only if the Permittee has failed to submit in writing a plan to address the violations cited in the NOV within the 60 days following Applicant’s receipt of the NOV.

37. Effect of CUP. This CUP supersedes CUP 18-06 approved by the Cumberland County Board of Supervisors on June 28, 2018.

38. Severability. If any condition of this CUP is determined to be invalid or unenforceable or unlawful, it will not affect the other conditions which will remain and continue in full force and effect.