

Ordinance Amending and Restating the Solid Waste Franchise of WI High Point Landfill, LLC,
Pursuant to N.C. Gen. Stat §§ 160A-319, 130A-294,
And City Ordinance 11-8-5(2)

Recitals

- 1) MRR of High Point, LLC ("MRR") was issued a solid waste franchise on December 20, 2001 for a Construction and Demolition Debris ("C&D") Recycling Facility and Landfill on Riverdale Road. On May 3, 2004, the MRR franchise was amended and expanded to include all of Randolph, Davidson, Forsyth and Guilford counties.
- 2) MRR sold its facility to WCA of High Point, LLC ("WCA"). The City of High Point approved the transfer of MRR's franchise to WCA on February 21, 2005.
- 3) On May 18, 2009, the City of High Point approved the expansion of WCA's franchise area to include the existing four counties plus Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes counties and to amend the terms of its franchise to provide for payment of a host fee equal to forty cents per ton for disposed waste from the additional counties. Since approval of the 2009 amendment, 99% of the annual tonnage received has come from Davidson, Forsyth, Guilford and Randolph Counties, with 77% of the total tonnage coming from Guilford County.
- 4) WCA sold its facility to WI High Point Landfill, LLC ("WI High Point"). The City of High Point approved the transfer of WCA's franchise to WI High Point on August 20, 2012. WI High Point became a subsidiary of GFL Environmental in November, 2018, but WI High Point's operations and management remained unchanged.
- 5) In accordance Special Use Permit 01-06, dated October 30, 2001, Condition P., the Landfill will continue to use the recycling processing center to reduce the stream of materials entering the landfill. Future material processing for recycling will be based on the quantity, quality and market availability as required to maintain system and economic viability.
- 6) At a regularly scheduled city council meeting on March 24, following statutory requirements for public notice and after placing a copy of its application in the High Point Public Library, WI High Point presented evidence related to, among other things: a) a statement of the population to be served; b) a description of the volume and characteristics of the waste steam; c) a projection of the useful life of the landfill; d) an explanation of how the franchise is consistent with Guilford County's Solid Waste Management Plan; e) procedures to be followed for oversight and regulation of fees and rates to be charged; f) a facility plan; and g) the qualifications of the applicant to operate a sanitary landfill.
- 7) After a public hearing on March 24, the High Point City Council voted unanimously to amend and restate WI High Point's franchise to clarify the daily tonnage allowance permitted under the franchise.
- 8) Upon a second reading and consideration of the High Point City Council on March 24, the City Council voted unanimously to amend and restate WI High Point's franchise to clarify the daily tonnage allowance permitted under the franchise.

Be it ordained by the City Council of the City of High Point that:

Sec. 1 WI High Point Landfill, LLC is hereby granted an amended and restated franchise to operate a Construction and Demolition Debris Recycling Facility and Landfill on Riverdale Road, beginning on _____, _____ and continuing until the earlier of the depletion of the permitted disposal capacity or February 10, 2064, which is defined as the life-of-site in accordance with North Carolina General Statute (NCGS) §130A-294.(a2), pursuant to the Application for Amended and Restated Solid Waste Facility Franchise filed Amendment filed with the City of High Point and attached hereto.

Sec. 2 WI High Point shall be permitted to accept, for disposal or reclamation, a monthly average of 700 Tons Per Day ("TPD") of construction and demolition waste in compliance with the regulations of the North Carolina Department of Environmental Quality. WI High Point will accept, process for recycling, recycle and dispose of in accordance with all applicable laws and rules up to 218,400 tons annually of construction and demolition waste from and serve all of the population residing in, doing business in, or otherwise generating waste in the aforementioned counties, which population numbers approximately 2.2 Million per the 2020 Census. It is projected that the useful life of the facility, as it may be expanded and permitted, will be contingent upon the rate of disposal, but will be no less than 10 years from May 20, 2024 and no more than allowed by NCGS §130A-294.(a2). WI High Point will endeavor to reclaim materials from the waste received when market conditions or waste stream contents allow WI High Point to do so.

Sec. 3 The franchise territory shall continue to include the following counties: Guilford, Randolph, Davidson, Forsyth, Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes.


Sec. 4 WI High Point shall continue to pay the City of High Point an annual host fee equal to forty cents (\$0.40) per disposed ton of all waste originating in Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes counties. WI High Point's annual reports are prepared by August 1 each year, based on the Company's operations through June 30; the host fee shall be due on an annual basis and shall be paid no later than August 30 of each year, based on WI High Point's annual report.

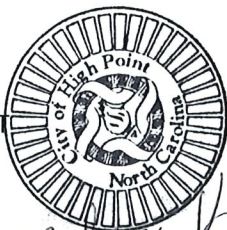
Sec. 5 WI High Point shall extend equal employment opportunities to all qualified persons, and no such person shall be discriminated against in employment because of race, color, religion, age, national origin, sex or handicap. WI High Point shall comply with all equal employment provisions enacted by federal, state and local authorities.

Sec. 6 This ordinance is effective upon adoption of its second reading.

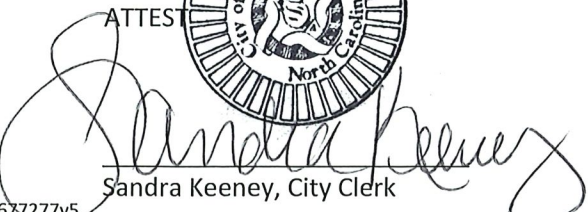
Adopted

- 1) May 16, 2024 - First Reading and Public Hearing
- 2) May 20, 2024 - Second Reading and Adoption


Cyril Jefferson, Mayor



ATTEST


Sandra Keeney, City Clerk