

Ordinance #22-0632  
2022 Ordinance Book, Page 290

**ORDINANCE GRANTING AN EXTENSION OF THE FRANCHISE FOR THE  
OPERATION OF HANES MILL ROAD LANDFILL**

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WHEREAS, Winston-Salem/Forsyth County Utilities and the City of Winston-Salem have applied to the North Carolina Department of Environmental Quality (NC DEQ) to amend the existing permit for Hanes Mill Road Landfill, located at 325 West Hanes Mill Road within the City of Winston-Salem, North Carolina; and

WHEREAS, this permit amendment would allow a reinforced earthen berm to be constructed around the perimeter of the existing landfill, thereby increasing the capacity available for waste disposal and lengthening the usable life of the landfill; and

WHEREAS, the current franchise for the landfill's operation was approved by the City of Winston-Salem Board of Aldermen on March 6, 2000, as required by NCGS 130A-294(b1)(2), and is set to expire on March 6, 2030; and

WHEREAS, the current life-of-site permit granted to Hanes Mill Road Landfill by NC DEQ extends through April 9, 2057; and

WHEREAS, NC DEQ has requested that the current city franchise be extended to coincide with the current state permit expiration date of April 9, 2057; and

WHEREAS, North Carolina General Statutes 160A-319(a) and 160A-311(6) authorize the City to grant a franchise for the operation within the City of "solid waste collection and disposal systems and facilities".

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. This Ordinance is enacted to promote and protect the health, safety and welfare of the residents of the City of Winston-Salem. The City Council intends that the provisions of this Ordinance will encourage the establishment of a secure, safe and economical system of solid waste disposal in the City at the aforesaid expanded Hanes Mill Road Landfill in compliance with state, federal and local laws, rules, and regulations.

Section 2. An extension to the existing non-exclusive franchise is, hereby, granted to the City of Winston-Salem and Winston-Salem/Forsyth County Utilities, for a term of an additional 27 years and 33 days to operate and maintain a municipal solid waste landfill at the location described hereinabove, pursuant to the terms and provisions of this Ordinance. Thus, the franchise granted is for the life-of-site of the Hanes Mill Road Landfill, up to April 9, 2057.

The geographical area proposed to be served by the landfill consists of all of Forsyth County, and the Counties of Stokes, Yadkin, Davie, and Surry. The estimate of the total population of those counties is 581,953, as of July 1, 2021. The population of those counties is expected to increase over the term of the franchise. The franchise shall not be deemed void if the geographical area or population to be served increases over the life of the franchise.

The quantity of waste to be accepted into the landfill is projected to be approximately 300,000 tons of municipal solid waste (as defined in NCGS 130A-290(a)(18a)) annually, subject to rise or fall over the life of the franchise. This projection is based on recent average *intake* of waste, and results in a projected remaining useful life of approximately 19 years, assuming that the current request to amend the state permit is approved. However, recent total waste *generation* within the service area was reported and documented in NC DEQ's *FY20-21 NC Solid Waste and Materials Management Annual Report* as 693,035 tons. The volume of, and fluctuations in the volume of, waste *generated* within the service area and waste *transferred out* of the service area, may result in the landfill's *acceptance* of a different quantity of waste in any given year. This franchise shall not be deemed void if the volume or characteristics of the waste stream change, so long as the characteristics of the waste stream comply with all applicable statutes, laws, rules, regulations, and permit conditions. The projected life of the landfill is subject to change based on other factors, too, including the in-place density or compaction of the waste, soil usage, and the use of varying methods of alternative daily cover.

Oversight of the landfill operations and establishment of fees and rates will continue to be the responsibility of the Winston-Salem/Forsyth County Utility Commission. Operations and construction at the facility will occur in accordance with approved Facility and Construction plans and permit conditions, per NC DEQ's solid waste permit # 34-02-MSWLF-1997, issued July 25, 2017, or as modified in subsequent permit revisions and approvals. Said approved Facility and Construction plans are incorporated by reference, herein, and, as required by statute, show the proposed development of the landfill site, the boundaries of the landfill, the boundaries, final elevations, and capacity of all waste disposal units, the total waste disposal capacity of the landfill, in tons, a description of environmental controls and other waste management activities to be conducted at the landfill, and the proposed location of soil borrow areas, leachate facilities, and all other facilities and infrastructure, including ingress and egress to the landfill. Permit documents under review are available at the North Carolina Department of Environmental Quality Division of Waste Management, and at the link below:

<https://edocs.deq.nc.gov/WasteManagement/DocView.aspx?id=1452839&dbid=0&repo=WasteManagement>

(Please note that this file is approximately 1,500 pages long and may take a while to download.)

Alternatively, interested parties may request to view a hard copy of the permit documents by calling City Link, at (336) 727-8000.

Section 3. The franchise granted by this Ordinance shall be in effect upon its adoption and the subsequent execution by the City of Winston-Salem and Winston-Salem/Forsyth Utilities of their acceptance of the terms of said franchise ordinance. The City Manager or his designee and the City Clerk are, hereby, authorized to execute an agreement, accepting the terms of the franchise ordinance, on behalf of the City of Winston-Salem.

**Winston-Salem City Council  
APPROVED  
November 14, 2022**

Section 4. This franchise ordinance shall be deemed adopted when it has been approved by the City Council of the City of Winston-Salem at two regular meetings.