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Lynn Chambers  
Chair, Permit Board  
Mississippi Department of Environmental Quality  
P.O. Box 2261  
Jackson, MS 39225

Dear Ms. Chambers,

Having served on the Madison County Planning Commission from 2004 to 2009, I wanted to comment on the permit for the proposed landfill on North County Line Road.

First, most residents in Madison and Ridgeland don't even know there are landfills on North County Line Road, or even where "North" County Line Road is. If they are familiar with the location, then they are also familiar with the dense vegetation and trees that border the property being considered for the NCL landfill. Although the other landfill properties don't have as much foliage, they are also remotely located and were not been an issue of concern for the Commission during my tenure beyond some cursory discussion over the true length of time remaining before they reach full capacity.

The current issues with the NCL landfill seem to be rooted in political machinations and that is unfortunate. The focus and the only issue should be whether or not this landfill is needed and whether or not it meets the required environmental and regulatory statues for its permit. In fact, because of the age and potential for filling the existing landfills, the NCL landfill is needed. Additionally, because of the proceedings of the Madison County Board of Supervisors, the NCL landfill project has undertaken the proper route for securing a permit, now in question by the Department of Environmental Quality over a technicality which has been waived for several other landfill projects.

Related to the setback and/or screen issue, there appear to be a handful of nearby residents in the area of the landfill. I am told they have been brought in, gotten involved with NCL, and the majority of these nearby residents support the project. I am told there are also some residents voicing opposition, but they live over a mile away. If the Permit Board cannot reconcile the permit for the screen and setback for this landfill, because of people who live more than a mile away, then any future permits or variances for the City of Canton and the BFI Landfills will present a significantly greater problem.

I am familiar with the Ridgeland Area Master Plan. It indicates that the location of the proposed NCL landfill was designated for future use of this type. There are two landfills on either side of this property, one with only a 50 foot setback and no trees, and another with a 200 foot setback and sparse trees facing North County Line Road. Transmission wires that run through the property on West County Line road through the Canizaro/Enochs property also curve back around there.

The reason the RAMP designated the area of the NCL property for landfill development was because of existing conditions in the area, which, it should be noted, contains designated green space(s) to remain undeveloped. A lack of infrastructure in this area will hamper prospects of industrial development as the costs for connecting and developing necessary water, sewer, gas and electric transmission lines (whose legal easements are typically problematic) are prohibitive; additionally, the geological conditions that are suitable for landfills might actually deter other development because of infrastructure which the RAMP considered suitable or needed in other areas.

Today, Madison County's Planning Board would be required to take into consideration what also has taken adjacent to NCL, to the west, in Hinds County. The attached information shows it could possibly accommodate heavy industry; some property has been rezoned special use for a rubbish landfill. When property is zoned Special Use for a rubbish landfill, it is not difficult to take that Special Use zoning and alter it for a municipal landfill. The Special Use zoning designation does not differ. Also, the 600 acres in Hinds County owned by BFI is listed on Hinds County's planning map as public use, presumably in anticipation for the forthcoming Special Use or Industrial Zoning which now surrounds it.

While I am not surprised that Hinds County has been silent on what the record indicates about its side of the road, I am a little disappointed those in Madison County leading the opposition against the NCL project. Transparency and openness would best suit the issues being presented, not veiled political or personal agendas.

The documents attached indicate BFI's vertical expansion at the Little Dixie landfill in 2003 was for a height of 500 feet, and that a secondary application for a vertical expansion will exceed that. The zoning board will be hard pressed to grant that exception, given zoning regulations are based on professional expertise and input. Moreover, the expansion of the BFI facility will undoubtedly bring back up the prior grandfathering of its variance to continue accepting waste without the plastic liners now required in all landfills. The strategy of some people and companies is, rather than request the rezoning they truly need for long range plans, to do it in increments. Considering BFI was granted an exception for zoning in 2003, and claimed it would provide 20 years of capacity, it is odd that in 2005, after reporting 24 years of capacity, it had to apply for another expansion three years later. The Board of Supervisors could approve the expansion, but given the controversy, it would likely be challenged in court. Also, the planning and zoning board has to consider a 510-foot landfill without any trees around it and right on the road is a horrible alternative to the landfill being proposed that is 250 feet off the road and behind a wall of trees and other vegetation.

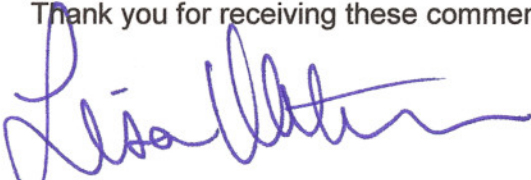
I have also looked into the Canton landfill that has been suggested as an alternative for waste disposal capacity. There is not nearly as dense a screen at that landfill as there is at the one proposed for the NCL landfill on North County Line Road. Also, if I am correct, the regulations requiring the host jurisdiction's approval before submitting an application for new or lateral expansion landfill permit, Madison County, not Canton, is the host jurisdiction of the undeveloped acreage in Madison County. A copy of the City of Canton annexation map from its lawsuit (which is also available online) is attached. Madison County could attempt to provide Canton the necessary zoning and approvals, but if there are prohibitions against a landfill being permitted within a mile of 20 homes, it would be a waste of time. There are also at least 50 homes within a mile of the Canton landfill and within proximity of where Canton's commercial growth is anticipated to be the strongest.

Moreover, the property is outside Canton's incorporated limits. Canton might attempt to annex it, but I think Madison County adopted a resolution opposing Canton's annexation toward the Nissan

plant. However, even if it succeeded, that doesn't alter the fact that it is still within one mile of a subdivision and more than 50 homes.

I would encourage the Permit Board to grant the permit to NCL. The screen of foliage around the site hides it completely. The 250 foot setback is more than adequate, considering the area already has established landfills with some setbacks far narrower than 250 feet. As for nearby residents, it would not be right to deny NCL a permit for a facility that the residents are agreeable to, especially if MDEQ is seriously considering a permit for BFI's additional variances that grossly exceed Madison County's standards, and for properties which have inadequate screening.

Thank you for receiving these comments.



Lisa D. Walters

- attachments:
- Canton Annexation Lawsuit
  - Map showing distance from Canton Homes
  - Hinds County Zoning Minutes
  - ~~Image of Hinds County Land Use Plan~~
  - Map of area from Ridgeland Area Master Plan
  - Copy of BFI zoning variance
  - Copy of page from BFI permit
  - ~~• Photo of High Powered Transmission Line~~