



MADISON COUNTY BOARD OF SUPERVISORS

125 West North Street • Post Office Box 608
Canton, Mississippi 39046
601-859-8241 • Facsimile 601-859-5875
www.madison-co.com

December 13, 2011

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

Re: Comments to be entered into the Public Record
NCL Waste, LLC Public Hearing – December 15, 2011 –

Dear Ms. Chambers:

I am the Supervisor of Madison County District 4 where the NCL Landfill is proposed. I have been involved in the review and approval process of this landfill for over 15 years.

In the mid to late 1990s when cities and counties were completing their initial long term solid waste plans, counties and MSW landfills were asked to work together by forming solid waste authorities, compacts or alliances so counties could demonstrate their long term solid waste disposal capacity assurance. During the 1990s the BFI Little Dixie Landfill refused to cooperate with Madison County and its long-term solid waste planning. Instead, the BFI Little Dixie Landfill elected to commit to a long-term agreement with the City of Jackson and have the City complete its own solid waste plan.

In 1997 the BFI Landfill reported that it had 6 years of life remaining, and because the landfill declined to cooperate with Madison County in its long-term solid waste planning, Madison County asked the Bilberry family to consider developing its property that was next to the BFI Landfill as a landfill for Madison County's long-term use.

From 1998 until 2003 the Madison County Board of Supervisors exhaustively reviewed and considered the development of a landfill on the Bilberry property. During this time, the County conducted at least 20 public meetings and hired experts to assist the County in its review. The exhaustive review and the prospect of a competing landfill coming to the area brought the BFI Landfill to the negotiating table. The Board was able to negotiate a host agreement that provides Madison County with significant savings and a revenue stream of over \$500,000.00 per year for 30 years. As a result of the Board's review, the Board decided to amend its solid waste plan to allow both the BFI Little Dixie Landfill to expand and the NCL/Bilberry Landfill to move forward.

John Bell Crosby, *District One*
Tim Johnson, *District Two*
D. I. Smith, *District Three*

Karl M. Banks, Sr., *District Four*
Paul Griffin, *District Five*
Arthur Johnston, *Chancery Clerk*

Brad Sellers, *County Administrator*
Quandice Green, *Comptroller*
Cynthia Parker, *Board Secretary*

PENGAD 800-631-6989

EXHIBIT

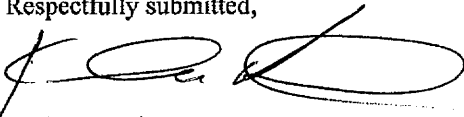
Madison County's revised solid waste plan ("Plan") called for the NCL Landfill to have 103 acres of disposal capacity. This Plan amendment for the 103 acres of disposal capacity was approved by the Commission in 2004. If the Department now imposes a property line setback greater than 500 feet then the permitted acreage will only be about 33 acres of capacity instead of 103 acres. If this was the intent of the Commission in 2004 to reduce the permitted area of the landfill, the Commission should have sent the Plan amendment request back to the Madison County Board of Supervisors for its review and consideration. According to State Law neither the Commission nor the Department can modify a County's solid waste plan request. Legally, in regard to a solid waste plan amendment request, the Commission can only approve it, deny it or send the request back to the county with deficiencies.

Additionally, as long as it conforms to MDEQ regulations which it does so in reference to visual screening, the property line setback should be an issue for the local county government. The 250 foot proposed property line setback of the NCL Landfill is 5 times greater than the setback of the BFI Landfill that is nearest to the NCL Landfill. Madison County has zoning regulations and the 250 foot property line setback of the NCL Landfill not only complies with this regulation but also was specifically approved by the Madison County Board in 2010 after a public hearing on the matter.

As a county supervisor, the politics of garbage is that everyone wants you to pick the garbage up but nobody wants you to put it down. It is a very tough decision to approve a new or expanded landfill. Madison County Board of Supervisors has dutifully and painstakingly followed the law to amend its Plan to include the NCL Landfill. It appears now that Department is trying to make new laws, regulations or obstacles to make it harder for some counties and smaller independent businesses to comply.

As the Supervisor of Madison County District 4 where the NCL Landfill is proposed, I am requesting that the approved Madison County Solid Waste Management Plan be respected in regard to 103 acres disposal capacity approved by the Commission in 2004, affirmed in 2005, affirmed by Appeal Court Judge Lutz presiding in 2010 and affirmed by the Supreme Court in 2011; and, that the property line setback of no more than 250 feet as approved by the Madison County Board of Supervisors as a result of a site plan review and public hearing on the matter in February 2010 be respected and accepted by MDEQ and the Permit Board.

Respectfully submitted,



Karl M. Banks, Sr.
Madison County Board of Supervisors
District 4