

**LUNENBURG COUNTY BOARD OF SUPERVISORS
GENERAL DISTRICT COURTROOM
LUNENBURG COURTS BUILDING
LUNENBURG, VIRGINIA**

Minutes of the November 19, 2019 Joint Public Hearing with Planning Commission

The joint public hearing of the Lunenburg County Board of Supervisors was held in conjunction with the Lunenburg County Planning Commission on Tuesday, November 19, 2019 at 7:00 pm in the General District Courtroom, Lunenburg Courts Building, Lunenburg, Virginia. The following members were present: Supervisors Edward Pennington, Frank Bacon, Charles R. Slayton, Alvester Edmonds, Mike Hankins, T. Wayne Hoover, Robert Zava, County Administrator Tracy M. Gee, Deputy Administrator Nicole A. Clark, and County Attorney Frank Rennie.

Chairman Slayton reconvened the meeting. The purpose of the special called meeting was to hear a request from RWG5, LLC trading as CFS/Meridian Waste, owner of the Lunenburg Landfill to make modifications to the Conditional Use Permit and Host Agreement with the County.

Mr. Rob Guidry of RWG5, LLC spoke before the Planning Commission and the Board of Supervisors. Mr. Guidry stated that there are four main areas in which they are seeking to make changes. First, they would like to increase the daily tonnage limit from 1,000 to 1,500 tons. He noted that additional tonnage would come from Richmond, western Virginia and areas of North Carolina. They would eventually like to increase the tonnage to 2,000 tons, however, that would be a decision made by the Board after December 2021. Second, they would like to help with road improvements to include adding a paved area that would reduce or eliminate truck traffic in the road. Mr. Guidry noted that they have upgraded the road since the beginning, however, they never intended to pay for the entire highway repair. They expected assistance from state funding and forces but neither have been utilized. Third, they would like to raise the height limit from 584 to 790 feet above mean sea level. Mr. Guidry explained that there is a difference in the current landfill and the old landfill run by the county. The old one is not lined; therefore, they would like to connect the lined and unlined cells. Mr. Guidry continued that the best way to ensure the old cell is compliant and up to standards is to increase the height and combine the two. Fourth, they would like to construct a new scale house and operations building. Not only will it be more functional, the appearance will be better for the facility and the public view. Mr. Guidry explained that he had met with county representatives several times on the proposed changes. He stated that he understands that citizens are emotionally invested in the landfill of the county, especially those that live near it. However, it is a business and changes are needed to benefit the company and its employees. Mr. Guidry emphasized that his business helps the county financially and assisted many organizations in the county through donations. They strive to have a successful business and benefit the community.

County Attorney Rennie presented the proposed updates to the Conditional Use Permit listed below. He noted that these changes correspond to the changes requested for the Host Agreement outlined at the Board of Supervisors meeting on November 14th.

1. 1.3 - Conformance to the Solid Waste Management Plan
The County shall have authority to review and approve any changes to the Solid Waste Management Plan.
2. Section 2.2.1 - Acceptable Waste
This has been updated to include the addition of curbside trash from Delaware, New Jersey and Pennsylvania.
3. Section 2.7.3 - Design and Construction
 - This section has been updated to increase the elevation at the Landfill from 584 feet to 790 feet.
 - All design plans will be recorded at the Courthouse.
 - The requirement for RWG5 to improve Old Mansion Road and Hardy Road within 180 days has been deleted. Note: There is a provision in the Host Agreement for RWG5 to pay the County \$100,000

for road improvement when the Board of Supervisors approves tonnage increase to 2,000 tons per day.

4. Section 2.7.4 – Operations

- The daily disposal limit is increased from 1,000 tons per day to 2,000 tons per day pending approval by DEQ. An increase to 1,500 tons per day shall be effective immediately. RWG5 may request an increase to 2,000 tons per day in two years. The Board of Supervisors will review legal and environmental compliance in deciding this increase.
- Litter control shall be extended for .5 miles beyond the landfill entrance and along Hardy Road, Old Mansion Road and Oral Oaks Road.
- Old Mansion road shall be swept .5 miles on either side of the entrance on a daily basis according to VDOT regulations.
- The daily operations will be 13 hours per day Monday-Friday (6:00 a.m. to 7:00 p.m.) and 10 hours per day (6:00 a.m. to 4:00 p.m.) on Saturday in accordance with the DEQ permit.
- Hauling routes shall be designated from Crewe and from Kenbridge and followed by all vehicles.
- No overnight parking in Lunenburg County except on Landfill property.

5. Section 2.9 – Bonding Requirements

This adds a supplement to the Performance Bond that RWG will continue paying \$50,000 per year into a Cash Fund until the Fund reaches \$1,500,000.

6. Section 2.10 - Insurance Requirements

The insurance requirements have been updated to include \$5,000,000 liability insurance per occurrence and \$10,000,000 in the aggregate.

7. Section 2.11 – Payment Assurance

Failure to pay any financial obligation to Lunenburg County shall be considered a violation of the Conditional Use Permit.

8. Section 3.1.1 – Facility Design and Operation

RWG agrees to cooperate in good faith with the County to take such steps as are necessary for the County to comply with recycling requirements found in §10.1-1411 of the Va. Code.

9. Section 4.3 – Other Waste Collection Sites and Hauling in the County

This has been changed to reflect that the County will provide up to 9 convenience collection centers and that the County will be served by RWG for the Lunenburg collection stations.

10. Section 6.2.3 – Lapse of Conditional Use Permit

The Conditional Use Permit shall expire if the use or operation of the Landfill ceases for two (2) years or more. This is to conform to the Lunenburg County Code.

11. Section 6.3 – Guaranty of Performance

Permittee and its parent organizations (CFS and Meridian Waste Virginia) shall provide the County with a guaranty of performance on each condition contained in the Conditional Use Permit.

After the Planning Commission opened their public hearing, Supervisor Edmonds made a motion, seconded by Supervisor Zava and unanimously approved, to enter public hearing regarding revisions to the Conditional Use Permit for RWG5.

Ms. Patricia Harper-Tunley, of 2509 Unity Road, Kenbridge, presented a list of questions to the Planning Commission regarding the CUP and stated that she was opposed to the requested modification of the CUP. She noted her main concerns are previous violations and that DEQ revoked RWG5's permit at their Colonial Heights location. She wants to ensure health of the community and future generations.

Ms. Trudy Berry of Bethel Church Road stated that she was in opposition to approving the amendment to the CUP and host agreement. She reiterated some of the previous concerns including previous violations and the permit which was pulled by DEQ at the Colonial Heights location. She is also concerned about increased traffic and tonnage. She requested the Commission and Board deny the modifications proposed and ensure that RWG5 adheres to the current CUP and host agreement requirements.

Mr. Ronnie Williams of 4627 Old Mansion Road approached the Board and Commission. He stated he has lived near the landfill most of his life. Mr. Williams noted that his biggest issue is safety. He wants the CUP to address the danger that increased traffic from additional daily tonnage will bring and safety of the environment for current and future residents. Mr. Williams understands the County's limited revenue stream and that additional money would be beneficial. However, he wants to ensure the residents are safe. Mr. Williams believes RWG5 and drivers hauling trash to the landfill aren't being safe now at 1,000 tons per day and is concerned what will happen if the tonnage increases to 1,500 per day. He stated that he sees trash trucks turning on and off Hardy Road every day using both lanes of traffic to make the turn. Mr. Williams reiterated that it is unsafe and someone could get hurt. He stated he understands the county will benefit from the additional tonnage fees, however, he would like to see that additional money put towards making improvements on the roads and routes to and from the landfill to ensure it is safe.

Mr. Timothy Hatley of 1077 Newcomb Bridge Road said he believes RWG5 can't be trusted. He added that DEQ shut them down at their Colonial Heights location and feels the same could happen in Lunenburg. He understands that in the spring they violated the tonnage restrictions in Lunenburg and nothing was said to them regarding the violation. He is opposed to the modifications of the CUP for RWG5.

Ms. Deborah Abernathy Gibbs owns properties located at 1983 and 1987 Old Mansion Road. She advised that her family uses the properties as vacation homes. She noted that this is the first time they have been made aware of RWG5 purchasing the landfill. They also understand the fiscal benefit for the county but she is concerned about the smell, vultures, black birds and debris on the roads. She asked the Commission and Board to please address issues before making a decision.

Mr. Clinton Abernathy is also owner of properties located at 1983 and 1987 Old Mansion Road. He recalled that there were issues in 2016 covering the hill properly and DEQ had to be involved. He stated that adequate coverage daily is a must. Mr. Abernathy doesn't believe RWG5 has fixed issues from the past that they said they would years ago. He noted that the CUP states that water monitoring may be performed by the county or DEQ, however, it should be performed at the request of the property owner. Testing should be performed on a proactive basis and not wait for request by the property owner. Mr. Abernathy reiterated that it does not seem that enforcement has taken place in the past as adequately as it should have been.

Mr. Jerry Sherwood, of 526 Locust Lane, Kenbridge which is adjacent to the landfill, stated that his concern is with safety. He believes the county is benefiting but the neighbors are not. Mr. Sherwood stated that the smell is a major issue. He owns a produce business and has lost many customers because of the smell from the landfill. Mr. Sherwood believes county taxes for landfill neighbors should be minimized.

After the Planning Commission closed their public hearing, Supervisor Edmonds made a motion, seconded by Supervisor Bacon and unanimously approved, to exit public hearing regarding revisions to the Conditional Use Permit for RWG5.

Supervisor Pennington, who serves as the Board of Supervisors representative on the Planning Commission, stated that he is always concerned about the safety of the county and many of the issues pointed out in the public hearing are concerns for everyone. He added that the county needs a landfill for the disposal of waste; however, safety of the county and the residents must be maintained.

Planning Commission Chairman Buck Tharpe commented that Lunenburg Landfill has not experienced the same issues as the location in Colonial Heights. He noted that Lunenburg has a very knowledgeable Landfill Liaison who has the County's best interest in mind, as well as County Attorney Rennie who reviews agreements and contracts. Commission Chairman Tharpe noted that the Board of Supervisors have maintained one of the lowest real estate tax

rates in the state; that would not have been possible without the sale of the landfill to RWG5 and the CUP currently in place.

Commissioner Dayton commented that he agreed that ensuring safety should be monitored by the county staff.

The Planning Commission agreed to table the request to modify the CUP until citizens concerns and questions were addressed and additional discussions on ensuring safety with increased tonnage occurred.

Supervisor Bacon made a motion, seconded by Supervisor Edmonds and unanimously approved, to adjourn the special called meeting of the Board of Supervisors.

Tracy M. Gee, Clerk
County Administrator

Charles R. Slayton, Chairman
Board of Supervisors