STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

January 23, 2009

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Paul Griffin, President
Madison County Board of Supervisors
P.O. Box 404
Canton, MS 39046

Dear Mr. Griffin:

Enclosed is a copy of Administrative Order No.552509, which has been issued by the Mississippi Commission on Environmental Quality conditionally approving the Madison County Solid Waste Management Plan for the county and the municipalities located in the county.

Specifically, the enclosed order describes the primary components of the plan and addresses the county's schedule for implementation of the various components of the proposed local solid waste management system. Special attention should be given to Part 6 and Attachment A of the Order which outline the deficiencies in the portion of the plan that proposes a new class I rubbish disposal and composting site in the county. The county will have 120 days from the issuance date of the Order to respond with corrections to those deficiencies in order for that proposal to be further considered by the Commission.

If you have any questions or comments concerning this order, please contact Mr. Trent Jones at (601) 961-5726.

Sincerely,

Jerry W. Cain, P.E., DEE, Director
Office of Pollution Control

Enclosure
pc: Mr. Donnie Caughman, County Administrator
Mr. Mark Williams, EPD

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

IN THE MATTER OF: APPROVAL OF THE MADISON COUNTY SOLID WASTE MANAGEMENT PLAN

ORDER NO. 5525 09

## ORDER

This matter came before the Mississippi Commission on Environmental Quality ("Commission") on December 11, 2008, pursuant to Mississippi Code Annotated Sections 49-2-9 and 17-17-227(6), and the Commission, having heard and considered the recommendation of the Mississippi Department of Environmental Quality ("Department") on the issue, finds as follows:

1. The original Madison County Solid Waste Management Plan was developed and submitted by the Madison County Board of Supervisors on July 9, 1992 and was approved by the Commission on February 3, 1994.

2. The Madison County Board of Supervisors, in cooperation with the municipalities of Flora, Madison, and Ridgeland, has developed a comprehensive update to the Madison County Solid

Waste Management Plan to address the changing needs of the county. Pursuant to Section 17-17-227 of the Mississippi Code Annotated, the Board of Supervisors adopted the Madison County Solid Waste Management Plan ("plan") and submitted the plan to the Department for review and consideration in June 2007.

3. After review and comment by the Department, the County submitted its revised, final version of the Madison County Solid Waste Management Plan in June 2008.

4. Based on the Department's review of the completed plan and the evidence and recommendations presented to the Commission, the Commission hereby *conditionally* approves the Madison County Solid Waste Management Plan. The approval of the plan continues the deferral of the moratorium imposed by Section 17-17-59 of the Mississippi Code Annotated.

5. The Commission finds that the plan as conditionally approved in paragraph 4 of this Order contains the following major components:

   (A) The County and the Municipalities shall continue to utilize contractual services for the collection and

transportation of municipal solid waste to landfills in the region. The plan indicates that all residential waste generated within the unincorporated areas of the Madison County and by the City of Flora will be disposed at the Little Dixie Landfill operated by Allied Waste located in the southern portion of the county on North County Line Road. The Cities of Madison and Ridgeland currently utilize other contractual services which transport municipal wastes from these cities to a landfill located out of the county. The plan also currently recognizes the North County Line Road Landfill owned by the Bilberry Limited Family Partnership, LLC, subject to the results of pending litigation. Though not a part of this solid waste plan, the City of Canton also operates a municipal landfill located within the county which may be utilized by county residents and businesses for waste disposal.

On or before June 30, 2009, the County will begin to evaluate opportunities to form a regional solid waste management authority or district to promote and facilitate regional solid waste collection. The County will notify the MDEQ of the status and results of this evaluation by September 30, 2009.

(B) The County and Municipalities shall continue to primarily utilize contractual services for the collection and transport of rubbish wastes from households within the county in accordance with the residential waste disposal contracts referenced above. Madison County and the City of Madison will continue to also provide supplemental curbside collection services for yard wastes and other bulky wastes. Available rubbish disposal sites located within the County include:

1) Madison South Class I Rubbish Site owned and operated by Dwayne Ballard and located on North County Line Road.
2) The City of Canton Class I Rubbish Site owned and operated by the City of Canton and located on Soldier Colony Road. This facility is not part of this solid waste plan but is located within the county and is available for use by county residents and businesses.

The plan also proposes the inclusion of a new class I rubbish site and rubbish processing and composting site known as the CP Farms Landfill to be owned and operated

by CP Farms, LLC and located on North County Line Road; however this facility is not currently approved in the plan pending additional actions by the County in accordance with Parts 6 and 7 of this Order.

(C) On or before June 30, 2009, the County will begin to evaluate the implementation of a revised process for considering requests for new and expanded solid waste management facilities. The County will notify the MDEQ of the status and results of this evaluation by September 30, 2009.

(D) The County shall continue to provide a waste tire collection program and white goods management program as described in the plan. Public advertisement of the availability of these programs shall be continued and evaluated annually. The three drop-off collection sites for both waste tires and white goods are located as follows:

1) County Barn Site - 3137 South Liberty Street, Canton
2) Camden Site - 2063 Loring Road, Camden
3) Flora Site - 292 Kearney Park Road, Flora

(E) The City of Madison and the City of Ridgeland shall continue offering yearly household hazardous waste collection events. Madison County shall develop a household hazardous waste and electronic waste management program which shall include:

1) An update of the Madison County website to include information regarding household hazardous waste and electronic waste management shall be completed by June 30, 2009.

2) An evaluation of a household hazardous waste collection program and electronic waste collection program for local residents. As a part of this evaluation, the County and the Municipalities shall consider the development of a cooperative countywide collection program. Alternatives for such a program may include participation in periodic amnesty days (which may be sponsored by the county with grant assistance or through cooperation with adjacent counties or other local programs), the establishment of a permanent collection site within the county, or other similar programs. This evaluation shall be completed by December 31, 2010.

3) The routine evaluation of the implementation of such programs, including identification of funding support

opportunities, to be conducted at least every two years beginning December 31, 2010.

(F) Madison County and the Municipalities shall develop an illegal dumping prevention program. The program will include the following:

1) A public outreach effort to educate citizens and reduce illegal dumping activities which will begin by June 30, 2009,
2) An evaluation of the need to develop standardized solid waste ordinances for the County and Municipalities which will begin on or before December 31, 2009. The results of this evaluation will be reported to MDEQ by March 31, 2010.
3) An evaluation of the need for designating a solid waste enforcement officer and utilizing MDEQ grant funds to off-set the funding costs which shall be completed by December 31, 2009,and
4) The routine evaluation of the need for new or expanded illegal dumping prevention programs which will be conducted at least every two years beginning December 31, 2010.

(G) The County and the Cities of Madison and Ridgeland shall continue to offer curbside recycling for certain components of household garbage through contractual waste collection services. The County, in cooperation with the Municipalities shall develop an adequate local strategy to achieve the 25% waste reduction goal and report the program strategy to MDEQ by December 31, 2010. Such a program may include:

1. The development of a recycling and waste reduction policy for all county departments advocating minimization and recycling initiatives (such as buying recycled products and performing recycling audits of programs);
2. The establishment of a County Recycling and Waste Reduction Coordinator to promote and develop public education programs and waste reduction efforts with documented goals and objectives;
3. The Development of a recycling program for commercial businesses and industries for recycling of paper, glass, plastic, aluminum, and steel;
4. The development or encouragement of private companies to develop yard waste composting or mulching sites;

5. The development or encouragement of private companies to develop construction and demolition debris composting and processing sites.

(H) Beginning in June 2009, the County, in cooperation with the Municipalities, shall annually conduct a review of the plan and where necessary shall update or modify the plan. The annual review shall include an assessment of the need for additional solid waste disposal capacity and the adequacy of existing programs and services. The MDEQ shall be notified of the results of this annual review when the review results in changes or a formal amendment of the plan.

6. The Commission further finds that the proposed plan is deficient in that the inclusion of the proposed CP Farms, Inc. rubbish and composting site does not adequately address the requirements in state law. The CP Farms site proposes to dispose of rubbish wastes as well as segregate and process, recycle or compost certain rubbish wastes. The site is proposed to be owned and operated by CP Farms, LLC and located in Section 19, Township 7 North, Range 1 East of Madison County at the southeast corner of North County Line

Road and Greens Crossing Road. The 61 acre site is proposed to consist of approximately 45 acres designated for rubbish disposal area and 15 acres designated for composting area. A service area of Madison, Hinds, Rankin, Copiah, Yazoo, Leake, Holmes, Warren, Scott, and Attala counties has been proposed for the facility in the plan. In order to receive additional consideration for the proposed site, the County must address the deficiencies identified in Attachment A of this Order. Upon addressing these issues, should the Department find that the County's process for approving the CP Farms site in the plan is deficient, then the County may be asked to re-initiate the process to modify the plan to properly notice and further consider this facility for inclusion in the approved plan.

7. In order to receive further consideration for the part of the plan that proposes the new rubbish site, the County must provide a written response to the deficiencies described in Attachment A of this Order within 120 days of the issuance date. Upon receipt of the County's response, the Commission on Environmental Quality shall reconsider that portion of the plan which proposes the new rubbish site for approval or disapproval. Should the County withdraw its proposal for the new rubbish site or otherwise fail to provide a written

correction of the deficiencies to the Department within 120 days, the portion of the plan proposing the rubbish site shall not be approved

8. The Commission expressly reserves the right and authority to modify this order to conform with any grants of authority subsequently made by federal legislation or as a result of federal judicial review. This reservation of rights specifically includes, but is not limited to, any right or authority of the State of Mississippi to regulate or restrict out-of-state solid wastes brought into the State of Mississippi for any purpose. The Commission specifically reserves the right and authority to modify or amend this order to include additional restrictions on any matter relating to out-of-state wastes, including transportation of, importation of, disposal of and handling of solid wastes, within the jurisdiction of the State of Mississippi, so long as the modifications or amendments comply with federal laws, regulations and judicial interpretations. This reservation of rights also includes, but is not limited to, the fees allowed for solid wastes imported into the State of Mississippi.

8. This decision will become final unless, pursuant to Mississippi Code Annotated Section 49-17-41 (Rev. 1999), an

interested party files a sworn petition with the Commission within 30 days from the date of this Order requesting an evidentiary hearing before the Commission or its hearing officer. If an evidentiary hearing is requested and held, the Commission shall finalize its decision in this matter by issuing a subsequent Order after full consideration of the matters raised during the evidentiary hearing.

SO ORDERED, this the 23 day of January, 2009.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: _____
TRUDY FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

**ATTACHMENT A**
**Commission Order No. _552509_**

Additional Information Required for Consideration of the Proposed
CP Farms, LLC Rubbish and Composting Site

A. Although the site is referenced in several sections of the new plan, the Rubbish Management Systems and Programs section of the plan does not include a complete, detailed facility description for the proposed rubbish site. The following information should be submitted as modified/revised pages of the plan for replacement in the final version of the approved plan:

1. the type of facility;
2. the type of waste(s) proposed to be managed;
3. the name of the owner and operator of the facility;
4. the proposed size of the facility including proposed disposal area and total property area;
5. the proposed location of the facility including Section, Township, and Range;
6. the physical address of the facility;
7. a description of the specific service area from which the waste proposed for acceptance at the facility will be generated. The approved service area should generally be defined by the cities, counties, or states from which the waste may originate or by some specified radius (in miles) from the facility boundary or another selected boundary; and
8. the demonstration of need as developed and approved by the County per Part B below.

Additionally, the Comprehensive Inventory of Local Solid Waste Management Facilities should be modified to include this facility information.

B. The demonstration of need included with the submitted plan does not appear to adequately address the requirement that the County must verify that the proposed facility meets needs identified in the approved local nonhazardous solid waste management plan which shall take into account **quantities of municipal solid waste generated** and **the design capacities of existing facilities**. The demonstration of need should be revised to include the estimated waste generation rates within the proposed service area. These waste generation rates should then be compared to the existing capacity of the disposal facilities located within the proposed service area. The regulations also require that the demonstration of need language be added to the appropriate pages of the plan, generally as part of the facility description mentioned above.

Additionally, although it appears that the proposed property for locating the rubbish site was rezoned to allow for the proposed siting of a rubbish site, no official documents certifying such actions were provided. Please provide copies of the final resolution(s) approving the zoning modification request as issued by the Zoning Board and/or the County Board.

C. It appears that in addition to the original public hearing for this proposed facility held June 25, 2007, the County held several other hearings while considering the zoning/land use of the property. Please provide a detailed timeline of all of the public participation and public hearing

events and copies of the associated public notices, dates, and official transcripts of each hearing. If official transcripts are not available, the County should at minimum provide a written summary describing the comments received from the general public during these hearings and should describe how the County addressed these comments.

Should MDEQ find that the public participation process for the CP Farms site is deficient, the County may be asked to re-initiate the public participation process to properly notice the public and further consider the matter.