



## COUNTY OF CURRITUCK

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State Courier # 10-69-17

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Clerk to the Board

November 22, 2005

Mr. Phillip S. Letsinger  
NFIP State Coordinator  
Floodplain Management Branch  
NC Emergency Management  
4713 Mail Service Center  
Raleigh, NC 27699-4713



Re: Black Bear Disposal, LLC

ATTORNEY GENERAL'S OFFICE  
CRAIG B. BOYD

Dear Mr. Letsinger:

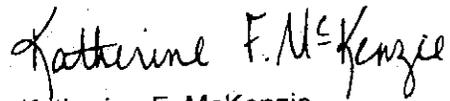
I am writing on behalf of my client, Currituck County, regarding a landfill proposed to be constructed in Camden County by Black Bear Disposal, LLC. Currituck County is concerned about the potential harmful effects of the landfill on the County's water resources and its citizens. I am unsure as to whether you have heard about the project, so I will give you some information. Camden County has entered into an agreement with Black Bear Disposal, LLC, to construct a landfill near the North Carolina/Virginia border in Camden County. The landfill, buffers, and support facilities will occupy 704 acres of land, while the landfill will be comprised of a 490-acres disposal footprint. The landfill will provide waste disposal capacity for a service area that extends from U.S. Interstate 75 (I-75) to the east coast. The franchise describes the volume of the waste to be disposed in the landfill as an average of 10,000 tons per day over a period of useful life which exceeds thirty years.

I am writing to you for an interpretation of North Carolina General Statute Section 143-215.54 entitled "Regulation of flood hazard areas; prohibited uses." Subsection (c) of that statute states that "[n]ew solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities are prohibited in the 100-year floodplain except as authorized under G.S. 143-215.54A(b)." According to our planning department, the actual footprint of the landfill is outside the floodplain. However, the legal description for the property owned by Black Bear includes land in both Camden and Currituck Counties beyond the actual footprint. All of the land in Currituck County, fifty-five acres, is in the flood zone, as well as ninety-two acres in Camden County.

Our request of you is an interpretation as to whether the statute cited above would define "solid waste disposal facilities" as all of the property on which a landfill is located or just the actual footprint of the landfill. As stated above, Currituck County is concerned about the potential harmful effects of the landfill on the County's water resources and its citizens. The County would like to be assured that all laws and regulations are being followed.

The County thanks you in advance for your consideration of this issue. If there is any further information I can provide, please contact me at 252-232-2075 ext. 276.

Sincerely,



Katherine F. McKenzie  
County Attorney

cc: Ms. Cheryl Perry  
Assistant Attorney General  
North Carolina Attorney General's Office  
9001 Mail Service Center  
Raleigh, NC 27699-9001

Board of Commissioners  
Dan Scanlon, County Manager