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Camden to consider Black Bear extension

By DAVID MACAULAY
Staff Writer

Thursday, September 07, 2006

CAMDEN — Camden residents will get a chance to give their verdict on Black Bear's mega-landfill later this month. That's when commissioners will consider extending the county's franchise agreement they signed four years ago with the landfill operator.

During their Tuesday night meeting, the Camden Board of Commissioners set Sept. 18 as the date for a public hearing to discuss extending the franchise agreement that presently calls for the landfill to be operating by January 2008.

And major changes to the controversial 490-acre landfill itself will be on the table from Black Bear Disposal. Those include reducing the number of states that the facility will take garbage from as well as improving the financial deal available to Camden County.

The proposed extension of the franchise agreement was prompted by the yearlong moratorium on landfill permits that was imposed by the state last month. In addition, an ongoing lawsuit from the city of Chesapeake, Va., and a group of South Mills residents to stop the Black Bear site has delayed the landfill siting process.

Ven Poole, vice president of Waste Industries USA, Black Bear's parent company, said Wednesday it would make sense for Camden's commissioners to consider reducing the scope of the landfill and negotiating a better financial deal at the same time.

A report outlining details of the proposed revisions was removed from the agenda before Tuesday's meeting, however, and the length of the proposed extension was not given.

County Attorney John Morrison said he would seek the advice of commissioners and draw up a new ordinance in time for the public hearing.

Under its franchise agreement with Camden, Black Bear has five years from the date of the agreement — signed on Nov. 4, 2002 — to get the landfill built and operating. If Black Bear can't get the landfill operational by Nov. 4, 2007, it then would have another 60 days to do so.

Based on the current agreement, if the landfill still isn't open by Jan. 4, 2008, Camden would then have the option of terminating the contract.

But the moratorium on new landfills means the N.C. Department of Environment and Natural Resources cannot issue a permit until August 2007 at the earliest. In reality, wouldn't be able to get a permit until much later than that because DENR was only midway through Black Bear's application when the moratorium halted any further work.

On Tuesday, Morrison assured Commissioner Mike Andrews that board members could discuss the landfill in public, notwithstanding the pending litigation.

"There is a request for you to extend for a certain period of time," he told the board. "Whether or not it's in the best interest of the county is for you to decide."

Morrison said an extension of the franchise agreement would not override the state's moratorium.

"If the moratorium is extended that will control (the landfill's progress)," he said.

Poole took issue with the interpretation that the franchise would expire if the landfill wasn't operating by January 2008. He said the original expiration date of the franchise had been rendered invalid because the moratorium and the lawsuit were factors beyond Black Bear's control.

Poole, however, added that the company wanted to address a public perception the company was running out of time to build the landfill.

"We don't have a specific amount of time, just what it takes to get beyond the moratorium and the lawsuit," he said.

Poole said the company is willing to make concessions on the number of states the landfill would accept trash from, as well as the amount of money Camden County would receive in host fees, following talks with N.C. Rep. Bill Owens, D-Pasquotank.

Initially, the county would get from \$1.5 million to \$3 million a year in host fees, but Owens has argued that it deserves more.

"He asked us to consider reducing the scope of the landfill," Poole said. "We are open to that but haven't heard from Camden about this."

He said Black Bear would be willing to cut the number of states it would be receiving trash from from 22 to six.

"Representative Owens has also asked us to look at the financial benefit that the landfill will have to Camden County," Poole said. "We are also willing to do that."

Poole said it would make sense to "wrap it all in" with the Camden's talks on the franchise.

Still, opponents of the landfill remained skeptical about the public hearing.

"We may get a say but it won't make any difference," said Perry Morrow from South Mills, who is the chairman of Camden Republican Party. "You may only have six states but you could have 14 states using one of those state's transfer stations."

"The bottom line is that Ven Poole is pulling the strings and the board will go along with it."



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Morrow also suggested a political motivation for setting the public hearing at this time.

"They are trying to do it before the November elections because Michael McLain is running against (Board of Commissioners Chairman) Melvin Jerals and McLain is opposed to the landfill," he said.

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