

ATTACHMENT 1

APPROVAL TIMELINE

DEMONSTRATION OF NEED SUPPLEMENT
MUNICIPAL SOLID WASTE PERMIT APPLICATION REPORT
NORTH COUNTY LINE LANDFILL

ATTACHMENT 1 - TIMELINE

Please refer to attached information for the following information to document that differing need aspects of the landfill including zoning have been reviewed and approved by four (4) different Boards of Supervisors.

Board 1: 1/1/1996 to 12/31/1999
Members: Louise Spivey
Luther Waldrup
David Richardson
Karl Banks
J. L. McCullough

Board 2: 1/1/2000 to 12/31/2003
Members: Bill Banks
Marc Sharpe
David Richardson
Karl Banks
Paul Griffin

Board 3: 1/1/2004 to 12/31/2007
Members: Doug Jones
Tim Johnson
Andy Taggart
Karl Banks
Paul Griffin

Board 4: 1/1/2008 to 12/31/2011
Members: John Bell Crosby
Tim Johnson
D. I. Smith
Karl Banks
Paul Griffin

The attached timeline provides an outline of public hearings, discussion and resolutions passed or conducted by the Madison County Board of Supervisors (the "MCBOS") regarding the Bilberry/NCL landfill. The timeline only includes officially called MCBOS meetings and does not specifically include other letter correspondence from or to the MCBOS or other meetings. The timeline spans four (4) different empanelled boards and thirteen (13) years since the project started.

<u>No.</u>	<u>Date</u>	<u>Subject</u>	<u>MCBOS Resolution or Event Description</u>	<u>Votes "Aye"</u>	<u>Votes "Nay"</u>
1	11/25/97	BFI	MDEQ Report <u>State of Mississippi Status Report of Landfills</u> dated November 25, 1997 lists BFI's Little Dixie Landfill located in Madison County as having 6 years of remaining life.	N/A	N/A
2	6/1/98	NCL	After a public hearing, Board 1 approved the rezoning of the Bilberry property from R1 to I1 for landfill development purposes. At this time, the current MDEQ Report of Landfills reported that the BFI Landfill had an estimated remaining life of 6 years.	5	0
3	11/2/98	NCL	Board 1 conducted a public hearing to amend the County's Solid Waste Management Plan to include the Bilberry property. The Board voted to recess the hearing and continue discussion until February 1, 1999.	5	0
4	2/1/99	NCL	There were lengthy discussions regarding the plan amendment. Some of these discussions were with persons who were opposed to the plan amendment. Upon a Board 1 vote of 3 in favor and 0 against (2 were absent) this hearing was furthered continued until the March 1, 1999.	3	0
5	3/1/99	NCL	At the March 1 st Board meeting there was again lengthy discussion on the Bilberry plan amendment. Some of this discussion was whether or not there was a need for an additional landfill and who would operate the landfill. After further discussion, the Board 1 voted 5 in favor and 0 against to continue the public hearing and to employ an expert to study the need for additional landfill operations in the County.	5	0
6	3/12/99	NCL	Board 1 voted to hire Engineering Associates, Inc. to analyze County's solid waste needs as they relate to proposed Bilberry Landfill.	5	0
7	4/16/99	NCL	Discussion and Board 1 votes continuance pending Engineering Associates' report.	5	0
8	5/14/99	NCL	Discussion and Board 1 votes continuance pending	5	0

Engineering Associates' report.

9	2/7/00	NCL	Board 2 writes letter to Bilberry requesting information regarding the operator of Landfill.	5	0
10	4/7/00	BFI	Board 2 votes to notify MDEQ of its opposition to BFI Little Dixie vertical expansion.	3	0
11	10/1/01	BFI	Board 2 votes to hire Copeland, Cook, Taylor and Bush to oppose BFI vertical expansion.	5	0
12	11/9/01	BFI	Board 2 votes to request MDEQ to hold a public hearing on BFI's vertical expansion request.	4	0
13	5/6/02	RFP	Board 2 votes to hire Copeland, Cook, Taylor and Bush for RFP for solid waste disposal services for a MSW landfill.	5	0
14	5/10/02	RFP	Board 2 authorizes RFP for solid waste disposal services for a MSW landfill.	3	0
15	6/21/02	RFP	Board 2 received landfill proposals and takes under advisement	5	0
16	7/9/02	RFP	Board 2 discusses landfill proposals and includes into minutes.	3	0
17	9/13/02	NCL	Board 2 continued the public hearing from March 1, 1999. During the period of time from the March 1, 1999 continuance public hearing until the September 13, 2002 public hearing continuance, there were ongoing discussions between the Board, MDEQ and Bilberry in regard to the development of a landfill on the Bilberry property. These discussions included topics such as service area, ingress/egress, host fees, restrictive covenants and who would be the landfill operator. At this meeting Board 2 discussed population and industry growth, 20-year disposal capacity and the landfill operator. At this meeting Board 2 voted 5 in favor and 0 against to close the public hearing and add the Bilberry landfill to the County's solid waste plan provided that the site received approval from the Board's Solid Waste Committee formed by Board 2.	5	0

18	9/27/02	NCL	Board 2 accepts the Recommendation of the Solid Waste Committee to include the Bilberry property into the Solid Waste Plan.	4	0
19	10/18/02	BFI	Board 2 acknowledges receipt of more competitive (i.e. lower) rates from BFI Landfill. BFI dropped its rate from \$24 per ton to \$15 per ton and filed zoning application for vertical expansion.	4	0
20	10/25/02	NCL	On October 25, 2002 Board 2, after having received the recommendation of the Solid Waste Committee (MC1152 – 1165) to include the Bilberry site, again voted 5 in favor and 0 against to close the continuance of the public hearing and approve amending the County Solid Waste Plan to include the Bilberry site.	5	0
21	1/17/03	NCL	Board 2 approved the Bilberry request to amend the County Solid Waste Plan to include the Bilberry / NCL Landfill.	5	0
22	11/7/03	NCL	Board 2 conducts second (2 nd) public hearing to consider Bilberry request to amend the solid waste plan. Board votes to review and consider the Bilberry request to amend the SWMP.	5	0
23	12/5/03	NCL	Board 2 approves an Order to Amend the Solid Waste Plan for the County to include the Bilberry Property after proper public advertisement and hearing.	5	0
24	4/16/04	NCL	Board 3 Approves an Order of the (new) 2004 Board of Supervisors to Amend the Solid Waste Plan for Madison County to include the Bilberry Property. (At the request of Phil Bass at MDEQ).	3	2
25	7/25/05	NCL	After a public hearing, Board 3 approves amendments to Madison County's Land Use and Transportation Plan which, specifically approves zoning for Bilberry landfill as Public-Quasi/Public.	5	0
26	5/7/07	NCL	Board 3 conducted a public hearing on April 23, 2007 regarding the revision of the County SWMP. During the public hearing there was specific Board and public debate regarding the NCL/Bilberry landfill. Subsequent to the 4/23/07 public hearing, Board 3 approves Re-write of Solid Waste Management Plan 2007, which	4	1

includes and approves NCL/Bilberry Landfill as a major component.

27	2/25/08	NCL	Board 4 approves authorization for Board Attorney to Correspond with Court in the Bilberry Matter.	4	0
28	10/20/08	NCL	Board 4 approves authorization to Settle Certain Items of Pending and Threatened Litigation in regard to the Bilberry Landfill as well as voting unanimously to work with Hinds County Board of Supervisors to address the repair and maintenance of North County Line Road.	5	0
29	12/1/08	NCL	Board 4 approves Assignment of Host Fee Agreement with IESI MS and Madison County to the NCL Waste, LLC.	5	0
30	6/8/09	NCL	Board 4 authorizes Board President Execute Mutual Release Among Rory Reardon, the Bilberry Family Limited Partnership, Charles G. Bilberry and Madison County.	5	0
31	6/22/09	NCL	Board 4 authorizes Board President to Execute Correspondence to the US Army Corps of Engineers in support of NCL Waste/Bilberry Landfill.	4	1
32	2/1/10	NCL	After a public hearing, Board 4 approves Special Exception to County zoning ordinance to allow for Height Variance for NCL/Bilberry	4	1
Total of 22 Votes where NCL Project was the subject				101	5

Summary of Approval Process:

1. The MCBOS have conducted at least six (6) public hearings see (Timeline Items 2, 3, 22, 25, 26 and 32) on the Bilberry/NCL landfill matter to consider the zoning of the site or inclusion of the site into the approved Madison County Solid Waste Management Plan (the “SWMP”). At least one (1) of these public hearings on either the zoning of the facility or its inclusion into the SWMP has been conducted during the term of each of the four (4) Boards.

2. Board 2 officially approved the Bilberry request to amend the SWMP twice in 2003. The first time was on January 17, 2003. The County approval to amend the SWMP to include the Bilberry landfill was forwarded to the Mississippi Department of Environmental Quality (the "MDEQ"). After its review, the MDEQ noted in its May 7, 2003 letter to the Board some procedural errors to the County's request. The MDEQ asked the County to reinitiate the process and supply the MDEQ with some additional information. The Board complied with the request and conducted a second public hearing on November 7, 2003, provided the additional information and again approved the Bilberry request on December 5, 2003. In March 2004, the Commission on Environmental Quality made a somewhat unprecedented request to the new MC Board (i.e. Board 3) and asked Board 3 to also approve the Bilberry request. On April 16, 2004, Board 3 approved the Bilberry request to amend the SWMP.
3. The MCBOS has conducted at least 22 votes on different aspects of the NCL/Bilberry landfill with a total vote tally of 101 ayes and 5 nays.
4. The current MC Board (i.e. Board 4) has conducted 6 votes on various aspects of the NCL/Bilberry landfill with a vote tally to date of 27 ayes and 2 nays. Most notably, the current Board voted unanimously on December 1, 2008 to approve the Host Fee Agreement with NCL Waste and directed NCL to file for the landfill permits. The Host Fee Agreement also states that the County will cooperate and assist and not oppose NCL in its efforts to develop, permit, ultimately operate and expand the NCL Landfill.
5. Recently on February 1, 2010 the Board voted 4 – 1 to grant the NCL a special exception for a zoning variance.