

4. Public Hearing

Items 4.01 – 4.0 will be sent under separate cover.

- 4.01 Sale of Real Property: Cabin Point Rd.
 - Public Comments
 - Board Comments
 - Action on Public Hearing (if any)
- 4.02 Zoning Text Amendment #2020-03 – Atlantic Waste Disposal, Inc., Applicant
 - Public Comments
 - Board Comments
 - Action on Public Hearing (if any)
- 4.03 Conditional Use Permit #2020-02 – Atlantic Waste Disposal, Inc., Applicant
 - Public Comments
 - Board Comments
 - Action on Public Hearing (if any)
- 4.04 Big Game Hunting Ordinance
 - Public Comments
 - Board Comments
 - Action on Public Hearing (if any)

BOARD ACTION FORM

Agenda Item: Public Hearing Item #4.01

Subject: Sale of Real Property – Cabin Point Road

Board Meeting Date: October 15 2020

=====
Summary: This Public Hearing Item was approved at the August 20, 2020 Board of Supervisors meeting; however, the newspaper failed to run the notice.

A company named Gro52 plans to build a climate controlled facility to grow Hemp plants or the oil. They propose to build the facility on a 22.293-acre parcel, tax map number 7-A-7, in one of the county owned economic development parks at the intersection of Route 460 and Cabin Point Road.

The staff proposes selling them a parcel shown in the attached, for \$2,000 per acre or \$45,000 for the sale. They already are providing hemp plants to approximately 20 farms in Sussex. They will ultimately add a hemp oil production facility to the parcel. The parcel and the site plan are shown in the attachments. In order to sell county property, at public hearing must be scheduled, advertised and held.

The Phase 1 growing building will be 110,000 square feet and cost approximately \$17 Million. The Phase 1 facility will provide approximately 41 jobs and a payroll of \$2.8 Million per year. The phase 2 building will approximately 200,000 square feet and will cost approximately \$18 Million and will add approximately 100 full time jobs and an annual payroll of about \$6 million. These full time positions and do not include related contract personnel.

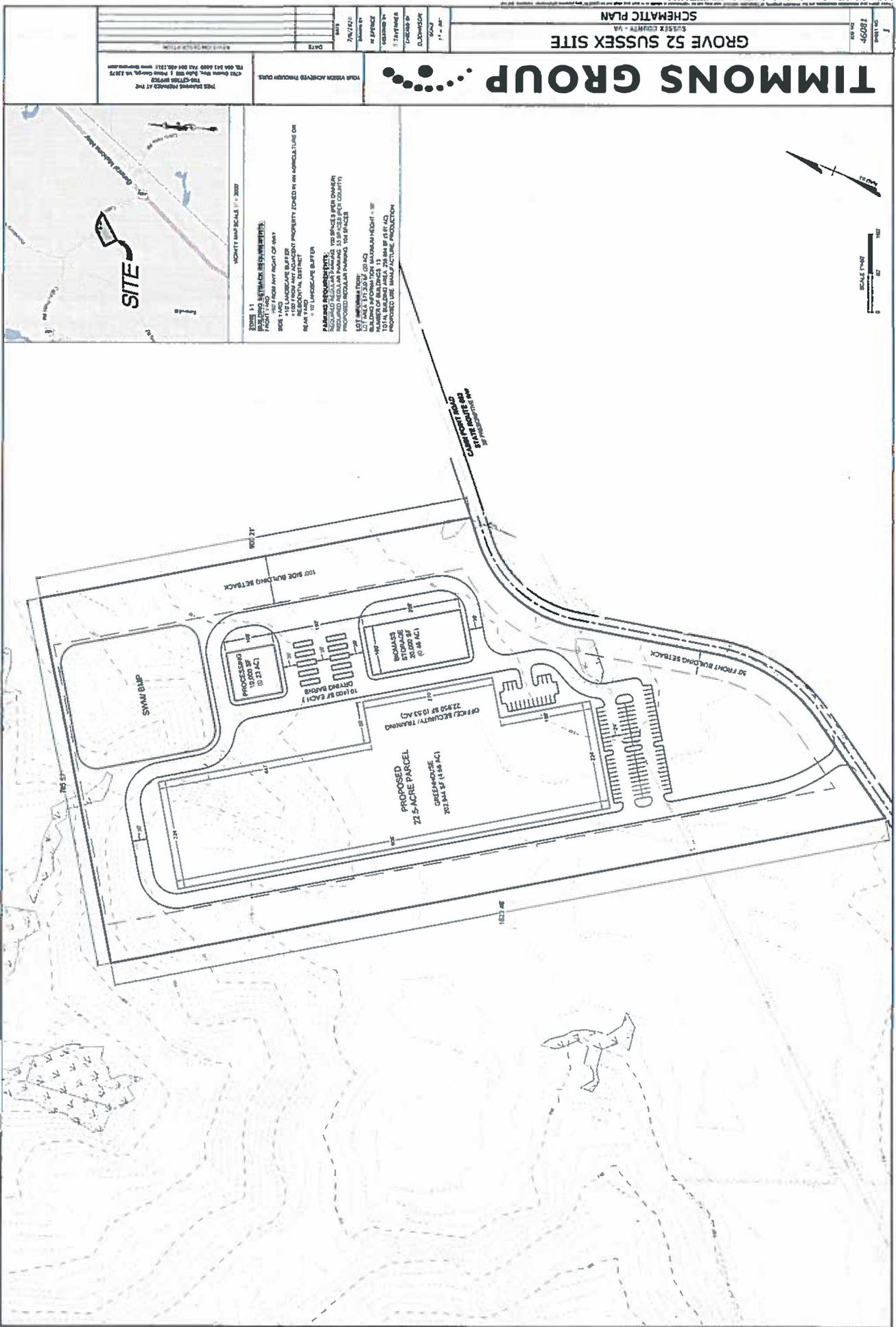
Recommendation: Staff recommends approval of the sale of this 22.293-acre parcel to Gro52.

Attachments: Parcel and Site Plan
Copy of Advertisement

=====
ACTION: That the Board of Supervisors hereby approves the sale of this 22.293-acre parcel to Gro52.

MOTION BY: _____ **SECONDED BY:** _____

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Fly	___	___	W. Jones	___	___
Johnson	___	___	Seward	___	___
D. Jones	___	___	Tyler	___	___



GROVE 52 SUSSEX SITE
 SUSSEX COUNTY - VA
SCHMATIC PLAN

DATE: 1/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DESIGNED BY: [Name]
 PROJECT NO: [Number]

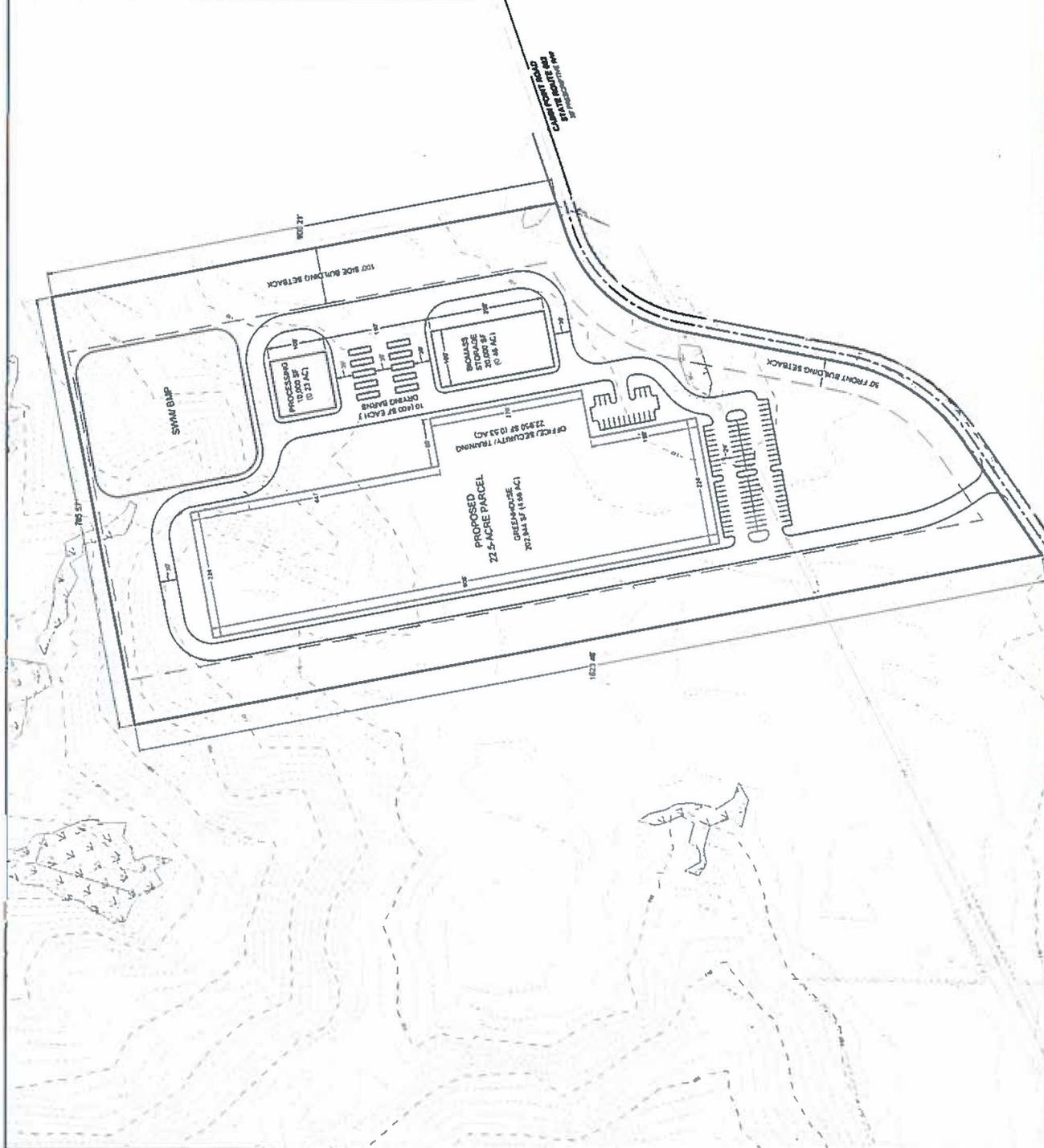
TIMMONS GROUP

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 22153-0100 | Charlottesville, VA 22904

THIS DRAWING APPROVED THROUGH OUR
 STANDARD REVIEW PROCESS

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GENERAL NOTES:
 1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE VA DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (VDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
 4. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
 5. THE PROPOSED ROAD AND UTILITY ALIGNMENTS ARE SUBJECT TO THE NECESSARY PERMITS AND RIGHT-OF-WAY ACQUISITION.



NOTICE OF PUBLIC HEARING

SUSSEX COUNTY BOARD OF SUPERVISORS

Pursuant to Va. Code § 15.2-1800, the Sussex County Board of Supervisors will hold a Public Hearing on Thursday, October 15, 2020 at 6:00 p.m. in the Sussex Elementary School gymnasium located at 21392 Sussex Drive, Stony Creek, Virginia 23882. The purpose of the public hearing is to solicit input and receive comments concerning the sale of real property located at the intersection of Route 460 and Cabin Point Road and designated as Tax Parcel #7-A-7. Due to the ongoing COVID health crisis and the limited space available due to social distancing practices, it is recommended that anyone wishing to comment on the siting agreement, may do so through written comment. Such comments may be forwarded to: Attention Mrs. Shilton R. Butts, P.O. Box 1397 Sussex, VA 23884 or email: sricks@sussexcountyva.gov . All comments must be received 3 days prior to the scheduled public hearing date. Anyone wishing to participate in the meeting may do so through the ZOOM meeting app. Invite information may be obtained by calling the Sussex County Administrative offices at 434-246-1000. If attending in person face coverings will be required and social distancing measures will be followed. Anyone needing assistance or accommodation under the provisions of the American Disabilities Act should call the County Administrator's Office at 434-246-1000.

Authorized by:
Richard Douglas
County Administrator

Atlantic Waste Disposal, Incorporated

Zoning Text Amendment

#2020-03

Board of Supervisors October 15, 2020 Meeting

Staff Report
Zoning Text Amendment 2020-03
Sussex County, Virginia
October 15, 2020

APPLICATION SUMMARY

Proposal: Applicants request for a Zoning Text Amendment to Article II, Division 2, Section 44-222, Subsection (e).

Application Submitted: June 30, 2020

Applicant: Atlantic Waste Disposal, Inc.
3474 Atlantic Lane
Waverly Virginia, 23890

Representative: M. Ann Neil Cosby
acosby@mcguirewoods.com
(804) 775-7737

BOARD OF SUPERVISORS ACTION

The Applicant has requested that the Board of Supervisors review its proposed zoning text amendment.

PROPOSED ZONING TEXT AMENDMENT

Pursuant to Article II, Division 2, Section 34-222 subsection (e) of the Zoning Ordinance, the applicant, Atlantic Waste Disposal, Inc. seeks a zoning text amendment. The current code language reads as follows "Any sanitary landfill operation shall be located at least one mile from any residence, school or business, public facility and church and at least 750 feet from any property line." The request is to add the following language after the word church, "except that this distance may be reduced to one-half mile provided no more than five (5) such uses are less than a mile from the landfill."

STAFF ANALYSIS

In reviewing the application, the reduction of the one-mile setback to one-half mile, from certain developed properties, the applicant indicated that the reduction would not affect more than 3 properties. This ZTA (Zoning Text Amendment) is in conjunction with CUP 2020-02. In an analysis of land uses by staff, it appears that 3 properties, as indicated by the applicant, are affected if the ZTA is approved as written.

PLANNING COMMISSION RECOMMENDATION:

The planning Commission recommended approval of ZTA 2020-03 as proposed.

STAFF RECOMMENDATION:

The staff recommends approval of ZTA 2020-03.

McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Phone: 804.775.1000
Fax: 804.775.1061
www.mcguirewoods.com

M. Ann Neil Cosby
Direct: 804.775.7737

McGUIREWOODS

acosby@mcguirewoods.com
Fax: 804.698.2011

July 1, 2020

VIA OVERNIGHT AND ELECTRONIC MAIL

Sussex County Planning and Zoning Department
Attn: Mr. Bart Nuckols, Interim Planning Director
20135 Princeton Road
Sussex, Virginia 23884
BNuckols@sussexcountyva.gov

**RE: CONDITIONAL USE PERMIT APPLICATION AND TEXT AMENDMENT REQUEST
LANDFILL PROPERTY EXPANSION
ATLANTIC WASTE DISPOSAL, INC.**

Dear Mr. Nuckols:

On behalf of Atlantic Waste Disposal, Inc. (Atlantic), please accept this letter and the enclosed documents as Atlantic's request for a conditional use permit (CUP) allowing the proposed expansion of the Sussex Landfill (Landfill) on Parcel Nos. 15-A-4, 15 A 6, and 15-A-8 (Application).

The Application includes the following:

1. A completed Conditional Use Permit Application form, including Attachments I, II and III referenced therein;
2. A "Site Sketch - Overall" plan, prepared by Golder Associates, dated 6/23/20; and
3. A \$500.00 fee.

In addition, by this letter, Atlantic respectfully requests that the Sussex County Board of Supervisors amend Zoning Ordinance Section 34-222(e) regarding setbacks for certain landfills. Atlantic proposes that Section 34-222(e) be amended to read as follows:

Any sanitary landfill operation shall be located at least one mile from any residence, school or business, public facility and church, except that this distance may be reduced to one-half mile provided no more than five (5) such uses are less than a mile from the landfill. A sanitary landfill operation must be setback at least 750 feet from any property lines. [Please note that the current Zoning Ordinance does not reflect the Board's action taken on December 20, 2007 decreasing required setback from residential dwellings from 1,000 feet to 750 feet, see Ordinance Amendment #2007-02 attached.]

Mr. Bart Nuckols
July 1, 2020
Page 2

The Board's adoption of the text amendment is critical to Atlantic's ability to undertake the necessary expansion of the Landfill as set forth in the Application. We do not believe the reduction in the one-mile setback would affect more than three (3) existing adjacent uses, and only one residential property. The general vicinity around the Landfill is primarily undeveloped large-tracts. Should there be a fee associated with this text amendment request, please let me know as soon as possible. We are hopeful that this Application and Text Amendment request may be scheduled for a public hearing before the Sussex County Planning Commission at its **August 3, 2020** meeting.

We appreciate the County's interest in this expansion project and we look forward to working with County staff during the Conditional Use Permitting process. Should you have any questions or require additional information regarding this submittal, please contact me at (804) 775-7737 or via e-mail at acosby@mcguirewoods.com.

Sincerely yours,



M. Ann Neil Cosby

/sap

Enclosures

cc: Larry Hughes (e-copy), Interim County Administrator, lhughes@sussexcountyva.gov
Shawn Weimer (e-copy), Piedmont Regional Office, DEQ, shawn.weimer@deq.virginia.gov
Jason Williams, Senior District Manager, Atlantic Waste Disposal, Inc., jwillia@wm.com
John Dottellis (e-copy), Atlantic Waste Disposal, Inc., jdottel1@wm.com
Mike Caldwell, P.G. (e-copy), Waste Management, mcaldwell@wm.com
Joe Cox, P.E. (e-copy), Waste Management, jcox16@wm.com
Mike Williams, C.P.G. (e-copy), Golder Associates Inc., Mike_Williams@Golder.com
Mark Flynn, Esq., County Attorney, markflynnlegal@gmail.com
John M. Lain, Esq., McGuireWoods, LLP, jlain@mcguirewoods.com



At a meeting of the Board of Supervisors of the County of Sussex held at the Courthouse thereof, on the 20th day of December 2007.

PRESENT:

VOTE:

Charlie E. Caple, Jr.	aye
William J. Collins, Jr.	aye
C. Eric Fly	aye
Wayne M. Harrell	aye
Alice W. Jones	aye
Rufus E. Tyler, Sr.	aye

ABSENT:

Ordinance Amendment #2007-02, Atlantic Waste Disposal, Incorporated

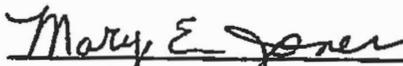
ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR COLLINS and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Ordinance Amendment #2007-02, Atlantic Waste Disposal, Incorporated; and

FURTHER RESOLVED that the Sussex County Code, Chapter 16 (Zoning), Article II, (General Agricultural District), Chapter 16, Article II, Section 16-28 (Yard Regulations) be amended in the following manner:

Delete one thousand (1,000) feet in sub-section (e) and replace with seven hundred fifty (750) feet; and add,

(e) Any sanitary landfill operation shall be located at least one (1) mile from any residence, school or business, public facility and church; at least seven hundred fifty (750) feet from any property line.

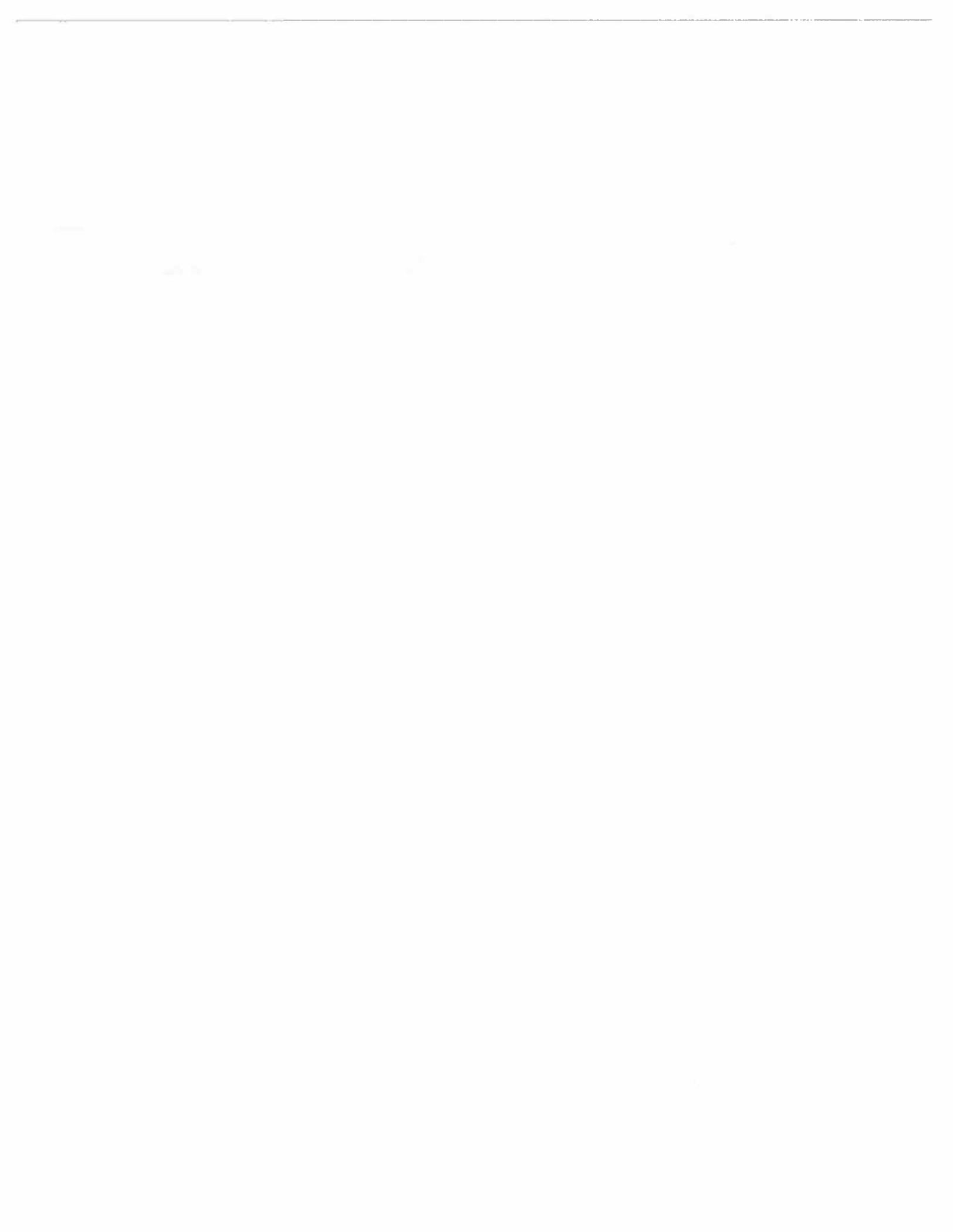
A COPY TESTE:



Mary E. Jones, Clerk

Atlantic Waste Disposal, Incorporated
Conditional Use Permit Application
#2020-02

Board of Supervisors October 15, 2020 Meeting



Staff Report
Atlantic Waste Disposal, Inc.
Conditional Use Permit 2020-02
Sussex County, Virginia

Report Date October 15, 2020
Board of Supervisors Meeting Date: October 15, 2020

APPLICATION SUMMARY

Project: Atlantic Waste Disposal, Inc.

Location: Located within the Waverly/
Blackwater districts, east of U.S. 460,
Fronting on S.R. 602

Parcel Record Numbers: 15-A-4, 15-A-6, 15-A-8,

Application Submitted: July 1, 2020

Applicant: Atlantic Waste Disposal, Inc.
3474 Atlantic Lane
Waverly Virginia, 23890

Representative: M. Ann Neil Cosby
acosby@mcguirewoods.com
(804) 775-7737

Owners: See attached CUP Application

PLANNING COMMISSION ROLE

The applicant has submitted a Conditional Use Permit Application for an expansion of the existing Atlantic Waste Landfill. This submittal is in conjunction with Zoning Text Amendment 2020-03. The Board of Supervisors must now evaluate the merits of the CUP and determine if the application and any proposed conditions sufficiently mitigate any associated impacts from the project and meet the county's conditional planned use development criteria as set forth in the Zoning Ordinance. The Board of Supervisors is requested to approve or deny the CUP application. The Board of Supervisors may also defer action to a future meeting.

PROPOSED DEVELOPMENT

The Applicant is proposing an expansion of two additional cells on the existing 1,315-acre landfill site. The landfill received a Conditional Use Permit in 1991 (CUP 90-94) on the initial 700 acres subject to 115 conditions. (See Attachment II) In 1995 the landfill received an additional Conditional Use Permit (CUP 94-21) under the same conditions that were approved for the previous CUP.

The applicant is proposing that the same conditions, with the exception to condition #61 which references a previous Sussex zoning code condition which no longer exist, continue with the proposed CUP 2020-02 request.

ZONING TEXT AMENDMENT

The proposed CUP is in conjunction with ZTA 2020-03 which is proposing a location reduction from certain developed properties from one-mile to one-half mile.

EXISTING CONDITIONS AND ZONING

The project area includes forested and cleared land with streams and, wetlands and other bodies, that have been part of the existing landfill.

The project area is zoned A-1 (Agricultural-1) which permits landfills as a conditional use.

ADJACENT AND SURROUNDING LAND USES

The parcels adjacent to the proposed expansion are zoned A-1. The future land use maps project Industrial type uses for those areas.

COMPREHENSIVE PLAN CITATIONS

The Comprehensive Plan was adopted 2004-2005 updated 2007 and amended in 2019. The plan describes the general trends and future preferences for development with emphasis on maintaining the rural character of the county while focusing on industrial and commercial development where appropriate.

Chapter II: Concerns and Aspirations, section C. County Vision, item 2. Vision Statement on p.II-13 states:

Sussex County seeks to maintain its rural character and natural beauty. The County is intent upon protecting its forest resources, agricultural lands, and natural environmental systems. It will accomplish its objectives by: concentrating commercial and industrial development along US 460 and the I-95/US 301 corridor and in other areas where adequate infrastructure exist to support such development; balancing residential and commercial land uses; protecting and preserving view sheds; protecting and preserving the natural environment and surface and ground waters; promoting smart growth practices and prudent land use decisions; and discouraging over development and strip development along State maintained roads.

Chapter IX: Land Use and Development, section B. Land Use Conflicts (p.IX-2) lists several issues to consider in addressing land use conflicts:

Land use conflicts that occur in Sussex County are typical of similar Virginia counties that must balance the needs of, and activities associated with, agriculture, forestry, and conservation uses with residential, commercial, industrial, and public uses. With respect to land uses and development, the County must remain cognizant and carefully consider a variety of issues when making land use decisions. Issues relevant to solar facilities include:

- Encroachment of residential and other urban-level land uses into traditional agricultural and forestry areas.
- The balance between needed commercial and industrial development and the conversion of vacant land.

Chapter X: Plan for the Future, section A. Introduction provides guidance for each land use type. **Item 1. Agricultural and Forested Lands (p.X-1)** states:

Agricultural land is one of the most valuable of all-natural resources. Of major importance, and an objective of land use planning in Sussex County is to identify prime agricultural land and to preserve it from being developed for residential or other land uses. Once developed, it cannot easily be restored to its original condition (natures).

Item 3. Industrial Development (p.X-2) states:

Industry, which will provide much of the basic employment needed for anticipated growth, has more critical location requirements than other major land uses. Prime industrial sites should be located where they can be served by major transportation facilities, including major highways, railroads, and airports. Industries dependent upon the transportation of heavy materials and products require locations served by railroad facilities. Other types of industry may prefer locations near major highways to facilitate truck service and access by employees, and still others may seek location near the airport. In addition to transportation facilities, industries should be in locations where adequate public utilities and services can be provided. Other requirements include suitability of sites with respect to slope, drainage, and soil bearing capacity, and suitable buffering from residential or other incompatible uses.

Potential industrial sites are located on the fringe of the existing towns, along the corridors of U.S.301, I-95, and the CSX Railroad, in the western portion of the County, and along the U.S. 460 and Norfolk Southern Railroad in the eastern portion of the County. Also, areas on the north side of Cabin Point Road (State Route 602) may be suitable for industrial development. Sussex County is one of the few localities in Virginia that have been identified as having the potential and available acreage necessary to develop a mega industrial site.

This chapter also includes section C. **County-wide Goals and Objectives** clearly delineating 22 issues, each with one or two goals and several objectives (tactics). There are seven (7) issues and ten (10) goals relevant to the subject of solar facility siting.

Issue 1 Commercial and Industrial Development (p.X-10)

Goal 1: Promote economic development that will assure employment stability and provide ready access to needed goods and services in the County. Encourage local expansion and new industry location in the County to broaden the tax base and increase employment opportunities.

Goal 2: Sustainable commercial and industrial development in areas where such activities already occur or can be reasonably accommodated by public facilities and the County's natural systems and to encourage local support and patronage of County business.

Issue 2 Community Appearance (p.X-12)

Goal 1: Guide and support sound and attractive land use development with the County that will result in the least possible adverse fiscal and environmental impact.

Goal 2: Remain aesthetically pleasing while maintaining rural atmosphere, open spaces, and natural areas.

Issue 6 Growth Management (p.X-14)

Goal 2: Promote environmentally friendly development that is sustainable, aesthetically pleasing, and consistent with the County's rural image and character.

Issue 8 Infrastructure Carrying Capacity and Provision for Facilities and Services (p.X-16)

Goal 2: Ensure that public systems and services are sized, located, and managed to protect or restore the quality of areas of environmental concern or other fragile areas while providing adequate levels of service to meet the needs of citizens.

Issue 10 Land Development and Land Use Compatibility (p.X-18)

Goal 2: Ensure that development and use of resources or preservation of land minimizes direct and secondary environmental impacts, avoids risks to public health, safety and welfare and is consistent with the capability of the land based on considerations of interactions of natural and man-made features.

Issue 11 Natural Systems (p.X-20)

Goal 1: Preserve and develop forestry, agriculture, and related industry as important economic components of the County. Provide for the wise use of the County's nonrenewable earth and mineral resources, while protecting the beauty of the landscape.

Goal 2: Conserve protective functions of wetlands, flood plains, and other shoreline features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues.

Issue 21 Water Quality (p.X-26)

Goal: Maintain, protect, and where possible, enhance water quality of public waters.

In this chapter, section D. Planning Areas' Goals and Objectives provides specific goals and objectives under the 22 issues for each planning area. The **Blackwater/Newville/Waverly Planning Area goals and objectives** relevant to the subject of solar facility siting are below.

Issue 1 Commercial and Industrial Development (p.X-10)

Objective 5. Provide and maintain natural buffers such as open spaces, trees, and shrubbery between industrial and residential areas.

Issue 2 Community Appearance (p.X-12)

Objective 1. Utilize the County's Zoning Ordinance to prevent the location of incompatible land uses or other potential nuisances in the planning area.

Issue 11 Natural Systems (p.X-20)

Goal: To preserve and protect the predominately agricultural, forestall, and rural character of the Blackwater/Newville/Waverly Planning Area

STAFF ANALYSIS

The proposed site consists of approximately 570 acres which will contain 3 new disposal cells with what appears to be a large portion of the property left for buffers between the expansion and adjacent properties. An additional 2 leachate lagoons for emergency leachate storage will also be part of the

expansion. As touched on earlier in this report, the applicant is proposing the elimination of condition #61. After further discussions between staff and the applicant it has been determined that there has been clearing in a portion of the 750 buffer which is being used as a soil borrow area. Revegetation is not currently practical. However, there may be alternatives to address the vegetative/screening issue using other property, outside of the buffer, that would still screen the landfill activity from adjacent properties. The applicant will be providing this either prior to or at the public hearing.

BOARD OF SUPERVISORS ROLE

Chapter IX of the Comprehensive Plan, Tools for managing Development, offers general criteria for decision making for land use evaluation. However, the board should look beyond the plan and consider whether proposed developments, even if consistent with the comprehensive plan, promote the public health, safety and general welfare. This very general criterion calls for consideration of wide-ranging issues including potential impacts of development on:

1. The natural environment; how a proposed development affects air-water quality, flooding, erosion, etc.

The proposed project is an expansion of the geographical size of the site but, as staff understands it, the existing cells will, for the time being, not be used for additional refuse disposal when the new cells come on line. The proposed new cells will be receiving the preponderance of refuse.

2. Important natural resources; how a proposed development might threaten or enhance the continued availability and efficient use of finite natural resources for agriculture or forestry.

The proposed project is designated primarily as industrial in the Future Land Use Map and is planned for accordingly.

3. Transportation system; will any additional traffic generation by a proposed development be safely and efficiently accommodated by the counties transportation facilities.

The current land fill fronts on SR 602 which currently serves the site. The proposed expansion and transfer of delivery to the new cells should not significantly add to the current vehicle traffic load.

4. The county economy; how a proposed development might affect employment opportunities and the general health of the Sussex County economy.



The employment analysis from the Comprehensive Plan shows the landfill in the top 50 of county employers, coming in at number 19.

5. Neighboring Development; How a proposed development allowed by the amendment might affect living or working conditions in neighboring areas (including whether development might deter or enhance the appropriate development or conservation of neighboring property.

The Comprehensive Plan has designated this site and adjacent properties for industrial development. The applicant stated in the application that there is only one residence within one mile of the development and one residence and one business within one-half mile of the development. The staff has asked the applicant to provide some additional mapping and analysis of odor, prevailing wind direction, etc, to be presented at the public hearing for further discussion.

PLANNING COMMISSION ACTION:

The Planning Commission at there October 5th meeting approved the request with no additional conditions.

STAFF RECOMMENDATION:

Approve the request per the submitted application with the inclusion of all conditions, and addendums, outlined in Attachment III of the CUP application dated July 1, 2020 and any addendums subsequent to the submitted date.

BOARD OF SUPERVISORS OPTIONS:

- Approve the request per the submitted application with the inclusion of all conditions, and addendums, outlined in Attachment III of the CUP application dated July 1, 2020 and any addendums subsequent to the submitted date.
- Deny the request.
- Continue the public hearing until the November meeting.
- Close the public hearing and defer action until the September meeting.
- Other actions deemed appropriate by the Board of Supervisors

CUP Number: _____
Date Application Filed: _____
\$500 Processing Fee Received By: _____



Sussex County Planning Department
Post Office Box 1397
21095 Princeton Road
Sussex, Virginia 23884
Phone: 834-246-1043
Fax: 834-246-2175

CONDITIONAL USE PERMIT APPLICATION

Owner Information:

Name: Atlantic Waste Disposal, Inc.
Address: P.O. Box 1480
Chicago, Illinois 60680
Phone Number: 804-834-8300

Applicant Information:

Name: Atlantic Waste Disposal, Inc.
Address: 3474 Atlantic Lane
Waverly, Virginia 23890
Phone Number: 804-834-8300

Legal Description of Property: SEE ATTACHMENT I

Tax Map Number: SEE ATTACHMENT I
Zoning District: SEE ATTACHMENT I
Block Number: SEE ATTACHMENT I
Lot Size (Acreage): SEE ATTACHMENT I

Election District: SEE ATTACHMENT I
Subdivision: SEE ATTACHMENT I
Lot Number: SEE ATTACHMENT I
Square Footage: SEE ATTACHMENT I

Please answer the following:

1. When was property acquired by applicant? SEE ATTACHMENT I
2. Are there any deed restrictions on the property in question? Yes No
(If yes, attach a copy of restrictions).
3. What is the proposed use of property or type of improvement? Please be detailed and specific in your description. (For example: new construction, addition or demolition, agricultural, residential or commercial use)
SEE ATTACHMENT II
4. What is the Fair market value of improvements > \$1,000,000
(Value must include all buildings, electrical, plumbing, and mechanical work to be performed).
5. Describe briefly the type of use and improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.
SEE ATTACHMENT III
6. Describe how the proposed use and improvements are to be designed and arranged to fit into the development of adjacent property of the neighborhood.
SEE ATTACHMENT III
7. Furnish plot plan, preliminary site plan, and/or preliminary subdivision plat showing boundaries and dimensions of property, width of boundary sheets, location and size of buildings on site, roadways, walks, off street parking and loading space, landscaping and the like. Architect's/Engineer's sketches showing elevations of proposed buildings and complete plans are also desirable and if available should be filed with application.
SEE ATTACHMENT II & DRAWINGS 1 THROUGH 23
8. I hereby certify that I have the authority to make the foregoing application and that the application, is complete and correct and that the conditional use permit is in accordance with section Section 34-217(25) of the Zoning Ordinance.

Owner Signature: [Signature] Date: 6/30/2020
Applicant Signature: [Signature] Date: 6/30/2020

This is to certify that letters notifying adjacent property owners of a Public Hearing of the Planning Commission on August 3, 2020 for **Conditional Use Permit Application #2020-02**, Atlantic Waste Disposal, Inc., applicant, were mailed on July 17, 2020 to the persons listed below.

Tax Map No. 14-A-5 & 26-A-3

Belvedere Timber, LLC
15 Piedmont Centers Ste. 1250
Atlanta, GA 30305

Tax Map No. 27-A-2 & 3

John Hancock Life Insurance Company
Hancock Forest Management
13950 Ballantyne Corp Pl. Ste. 150
Charlotte, NC 28277-2715

Tax Map No. 26-A-4

SFT Forestland LLC
Forest Investment Associate LP
15 Piedmont Center Ste. 1250
Atlanta, GA 30305

Tax Map No. 15-A-14

Grant Linwood O
11435 New Farrington CT
Glen Allen, VA 23059

Tax Map No. 27-1-A

Gray Timber Resources, LLC
C/O Ryan LLC
P.O. Box 460329 Dept. 909
Houston, TX 77056

Tax Map No. 15-A-9

Arnold Thomas St John Jr.
112 77th St
Virginia Beach, VA 23451-3734

Tax Map No. 27-A-1

Bernardo Scott J & Desiree A
3408 Beefsteak Road
Waverly, VA 23890

Tax Map No. 14-A-6 & 15-A-3

County of Sussex

P.O. Box 1397

Sussex, VA 23884

Bart Nuckols LIT

Director of Community Development

7-22-20

Date

Attachment I

Conditional Use Permit Application

County of Sussex, Virginia

Tax Map: 15-A-4
Owner's Name: ATLANTIC WASTE DISPOSAL INC
Account Number: 15416
Owner Address: P O BOX 1450

City and State: CHICAGO ILLINOIS
Zip: 60690 1450
Legal Description: BARKERS
OWEN-BEVARD-POND

Land Value: \$84,700
Improvement Value: \$0
Total Value: \$84,700
Acres: 86.68
Class Code: 5
Tax Class: 0

Legal Description of Property	Barkers Owen-Brevard-Pond		
Tax Map Number	15-A-4	Election District	District 01
Zoning District	General Agriculture, A-1	Subdivision	N/A
Block Number	N/A	Lot Number	N/A
Lot Size (Acreage)	86.68	Square Footage	3,775,780.80
Date Acquired by Applicant	March 4, 2006		

See next page for parcel boundary.

County of Sussex, Virginia

Legend
Parcels



Title: 15-A-4



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County of Sussex, Virginia

Tax Map: 15-A-6
Owner's Name: ATLANTIC WASTE DISPOSAL INC
Account Number: 11199
Owner Address: P O BOX 1450

City and State: CHICAGO ILLINOIS
Zip: 60690 1450
Legal Description: PIDGEON SWAMP
WB41/359
Land Value: \$268,800
Improvement Value: \$0
Total Value: \$268,800
Acres: 280
Class Code: 6
Tax Class: 0

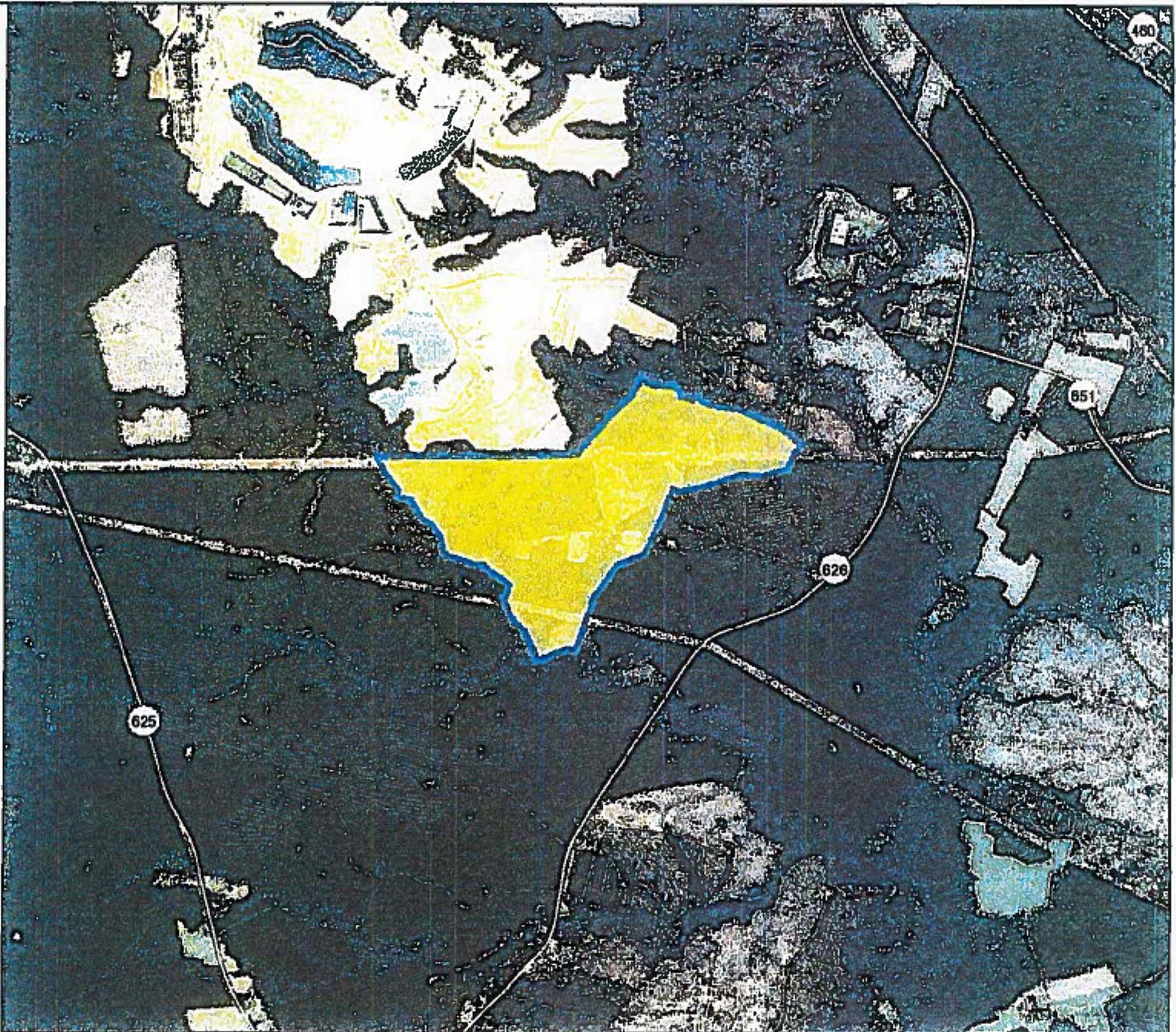
Legal Description of Property Pidgeon Swamp WB41/359			
Tax Map Number	15-A-6	Election District	District 1, District 4
Zoning District	General Agriculture, A-1	Subdivision	N/A
Block Number	N/A	Lot Number	N/A
Lot Size (Acreage)	280	Square Footage	12,196,800
Date Acquired by Applicant	May 13, 2019		

See next page for parcel boundary.

County of Sussex, Virginia

Legend

- County Boundary
- Hidden Roads 72224



Title: 15-A-6



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County of Sussex, Virginia

Tax Map: 15-A-8
Owner's Name: ATLANTIC WASTE DISPOSAL INC
Account Number: 5746
Owner Address: P O BOX 1450

City and State: CHICAGO ILLINOIS
Zip: 60690 0
Legal Description: BLACK SWAMP

Land Value: \$406,000
Improvement Value: \$0
Total Value: \$406,000
Acres: 203
Class Code: 6
Tax Class: 0

Legal Description of Property	Black Swamp		
Tax Map Number	15-A-8	Election District	District 01, District 04
Zoning District	General Agriculture, A-1	Subdivision	N/A
Block Number	N/A	Lot Number	N/A
Lot Size (Acreage)	203	Square Footage	8,842,680
Date Acquired by Applicant	June 22, 2012		

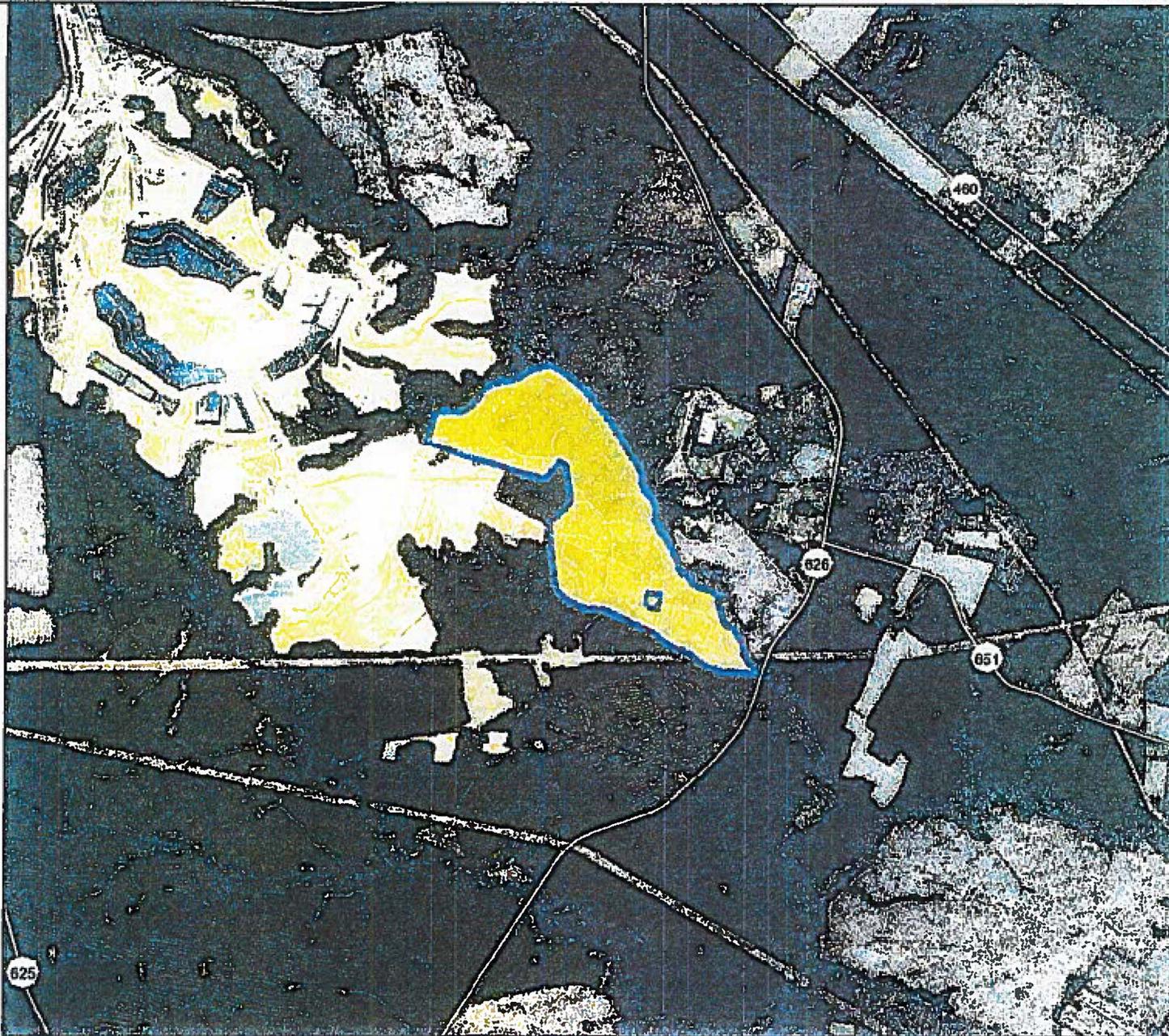
See next page for parcel boundary.

County of Sussex,

Virginia

Legend

- County Boundary
- Hidden Roads 72224



Title: 15-A-8

Feet

0 600 1200 1600 2400

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Attachment II

Conditional Use Permit Application

Attachment II

Conditional Use Permit (CUP) Application

Proposed Use of Property/Type of Improvement

Background

Atlantic Waste Disposal, Inc. ("Atlantic") is the operator of the Sussex County Sanitary Landfill Facility (the "Landfill"). Currently, the Landfill property consists of approximately 1,315 acres, of which, approximately 830 acres is used for Landfill operations (including, but not limited to, landfill waste cells, stormwater basins, offices, maintenance shop, leachate and methane treatment and recovery facilities, and other related uses). The Landfill is currently located on Parcel No. 14-A-6, which is owned by Sussex County, Virginia (the "County"). On June 3, 1991, the County Board of Supervisors (the "Board") approved the original conditional use permit authorizing the Landfill (CUP 90-24) on an initial 700 acres, subject to conditions (the "Conditions"). The Conditions are attached hereto as Attachment III. On February 16, 1995, the Board approved CUP 94-21, which authorized the Landfill's expansion on an additional 615 acres. CUP 94-21 is subject to the same Conditions as CUP 90-24.

Atlantic is currently requesting an additional conditional use permit (the "New CUP") to expand the Landfill to include three (3) adjoining parcels (Parcel Nos. 15-A-4, 15-A-6, and 15-A-8, collectively the "New Parcels"). If approved by the Board, the New CUP would be subject to the same Conditions (with the exception of Condition 61 which references a Zoning Ordinance provision that no longer exists or which has been superseded by current code provisions).¹

Proposed Construction

Atlantic's request to expand the Landfill is necessary to meet capacity needs, state regulatory requirements, and the County's zoning regulations. The New Parcels will add approximately 570 acres to the Landfill. While a portion of the New Parcels will be used for additional disposal activities, the majority of the New Parcels will serve as a required buffer between expansion activities planned for the existing Landfill area and adjacent property lines and uses. Atlantic is proposing to initially construct three (3) new disposal cells, identified as Cells 14, 15, and 16 (the "Lateral Expansion") on Parcel No. 14-A-6 and a small portion of 15-A-4, to offset existing permitted Landfill airspace that is being re-allocated based on discussions with the Virginia Department of Environmental Quality ("DEQ"). While Cells 14 and 15 will be located within the currently permitted Landfill (i.e., on Parcel 14-A-6), a small

¹ Condition 61 requires that all areas of the Landfill that are used for the disposal of waste (defined as the "Operational Area") must have buffers and must comply with the requirements of Article 3 of the Zoning Ordinance. See Attachment III. Article 3 of the current Zoning Ordinance establishes the County's zoning districts and the regulations applicable to each district. If the New CUP is approved, the New Parcels would be required to comply with the applicable provisions of the current Article 3, including but not limited to setback regulations set forth in Section 34-220. It is unclear what regulations were included in Article 3 when CUP 90-24 and CUP 94-21 were approved, however they have been superseded by the current regulations that will apply to the New Parcels, notwithstanding.

Attachment II

Conditional Use Permit (CUP) Application

portion of Cell 16, covering approximately 1.11, acres will be located on Parcel 15-A-4.² As part of the overall Lateral Expansion, Atlantic will construct two additional leachate lagoons (Lagoons 12 and 14) at the Landfill for emergency leachate storage. Atlantic will also construct associated infrastructure (i.e., leachate tanks, perimeter road, and other landfill operation systems) at the Landfill to support the new cells and utilize the New Parcels as expansion areas for the Landfill's support operations (including additional soil borrow, leachate management, and stormwater management). No existing buildings are located on the New Parcels and Atlantic is not proposing any new buildings on the New Parcels.

While the majority of Landfill improvements will be constructed on existing Landfill property, the New Parcels are necessary to satisfy the setback requirements included in the County's Zoning Ordinance. Section 34-222(e) of the Zoning Ordinance currently requires that landfills be located at least one mile from any residence, school or business, public facility and church, and at least 750 feet from any property lines. Atlantic has filed a separate request asking the Board to amend the Zoning Ordinance to reduce the one-mile setback to one-half mile when certain locational criteria are met (see letter dated July 1, 2020, concurrently submitted), however the New CUP would still be required in order for the New Parcels to be used as part of the Lateral Expansion and to serve as the required buffer/setback area per Zoning Ordinance requirements.

Consistency with Surrounding Area

All of the parcels adjacent to the New Parcels are zoned A-1, General Agriculture and are largely undeveloped. The County owns the undeveloped Parcels 15-A-3 and 15-A-20 to the east. McGill Environmental Systems owns Parcel 15-A-19, which is southeast of the New Parcels. There is an existing commercial building on this property. Old Dominion Electric Co-Op owns Parcel Nos. 6-A-9, 15-A-1, and 15-A-2 to the northwest of the existing Landfill parcel. These parcels are undeveloped. There is only one residence within one mile of the existing Landfill operations (such residence having been constructed subsequent to the commencement of Landfill operations), and only one residence and one business between one-half mile and one mile of the proposed Landfill operations on the New Parcels.

The expansion of the existing Landfill will permit additional disposal capacity in a manner that is strictly regulated by DEQ and County CUP requirements. Access to the proposed expansion areas on the New Parcels will be via existing internal privately owned and maintained roads so that there will be no additional traffic generated by the New CUP. Approval of the New CUP will allow significant closure activities to occur using borrow areas on

² Based on current and projected material management rates, Cell 14 is scheduled for construction in 2023-2024, Cell 15 in 2027-2028, and Cell 16 in 2031-2032.

Attachment II
Conditional Use Permit (CUP) Application

site. Such activities further reduce the need for off-site soils to be transported to the Landfill thereby reducing dump-truck traffic on County roads.

Supporting Documentation (preliminary plans showing boundaries and dimensions of property, width of boundary sheets, location and size of buildings on site, roadways, walks, off street parking and loading space, landscaping, etc.)

Drawing 1 is an indexed site sketch displaying the existing Landfill. Drawings 2-25 are the detailed maps from the index provided in Drawing 1. The Drawings delineate the:

- (1) location of the proposed expansion parcels (15-A-4, 15-A-6, and 15-A-8)
- (2) adjacent parcel boundaries and ownership information
- (3) the proposed Landfill boundary
- (4) the current 750-foot setback and the proposed 750-foot setback boundary
- (5) wetlands and bodies of water
- (6) waste management boundary (see additional information below)

Sanitary landfills, in addition to meeting local operational requirements, must also meet the Virginia Solid Waste Management Regulations as administered by DEQ. As such, the Waste Management Boundary shown on the Drawings denotes certain designated areas defined by Virginia's Solid Waste Regulations and not County requirements.

Attachment III

Conditions from CUP 90-24



GF 2.13

EXHIBIT A

Staff's Proposed Conditions For A
Conditional Use Permit (No. 90-24) For
Atlantic Development Company
Proposed Landfill

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**Staff's Proposed Conditions For A
Conditional Use Permit (No. 90-24) For
Atlantic Development Company
Proposed Landfill**

Definitions

1. "Agricultural waste" shall mean all solid waste produced from farming operations, or related commercial preparation of farm products for marketing, as this definition may hereafter be modified by the DWM.
2. "Ash" means ash particulate collected from air pollution attenuation devices on combustion units and ash or slag remaining in a combustion unit after combustion produced from incineration or burning of solid waste or from any fuel combustion.
3. "Construction waste" shall mean solid waste which is produced or generated during construction of structures, as described below or as may be hereafter be defined by the DWM. Construction wastes consist of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.
4. "County" shall mean the Board of Supervisors of the County of Sussex, Virginia.
5. "Debris waste" shall mean stumps, wood, brush, and leaves from land clearing operations, as this definition may hereafter be modified by the DWM.
6. "Demolition waste" shall mean that solid waste which is produced by the destruction of structures and their foundations, including the same materials as construction wastes, as this definition may hereafter be modified by the DWM. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not demolition waste.
7. "DWM" shall mean the Virginia Department of Waste Management, or any successor department.
8. "EPA" shall mean the United States Environmental Protection Agency, or any successor agency.

9. "Inert waste" shall mean solid waste which is physically, chemically and biologically stable from further degradation and considered to be nonreactive, including rubble, concrete, broken bricks, bricks, and blocks, and as this definition may hereafter be modified by the DWM.
10. "Inspector," unless otherwise indicated, shall mean the County's Landfill inspector(s).
11. "Landfill" shall mean that solid waste disposal facility to be located in Sussex County and which is the subject of this conditional use permit.
12. "Municipal solid waste" shall mean that waste which is normally composed of residential, commercial, and institutional solid waste, as this definition may hereafter be modified by the DWM.
13. "Pathological waste" shall mean a solid waste that is human tissues, organs, body parts, fetuses, placentas, effluences or similar material, and animal tissue, organs, body parts, fetuses, placentas, effluence or similar material from animals exposed to human pathogens for the purposes of testing or experimentation, as this definition may hereafter be modified by the DWM.
14. "Permittee" shall mean Atlantic Development Company, the holder of this conditional use permit.
15. "Sludge" shall mean any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial waste water treatment plant, water supply treatment plant, or air pollution control facility.
16. "State" shall mean the Commonwealth of Virginia.

Construction and Operation

17. Permittee shall construct and maintain the Landfill in a good and workmanlike manner and shall operate the same in accordance with the highest standards of the industry as set forth in DWM's solid waste management regulations.
18. Permittee shall enter into an agreement with the County providing for the construction, operation and maintenance of the Landfill, which shall have a 45-year capacity. If such agreement is not entered into on or before the date 120 days after the date of the issuance of the Conditional Use Permit or such later date as the County may approve, then the Conditional Use Permit shall terminate and for all purposes become null and void without further action by the County.

19. All operational buildings at the Landfill shall be dedicated to the County for recreational facilities upon closing of the Landfill.

Compliance

20. Permittee shall locate, permit, construct and operate the Landfill and all accessory uses permitted hereunder in such a manner as to comply with EPA Subtitle "D" Regulations, if and when applicable, and the DWM regulations and all other applicable federal, State and local statutes and regulations.

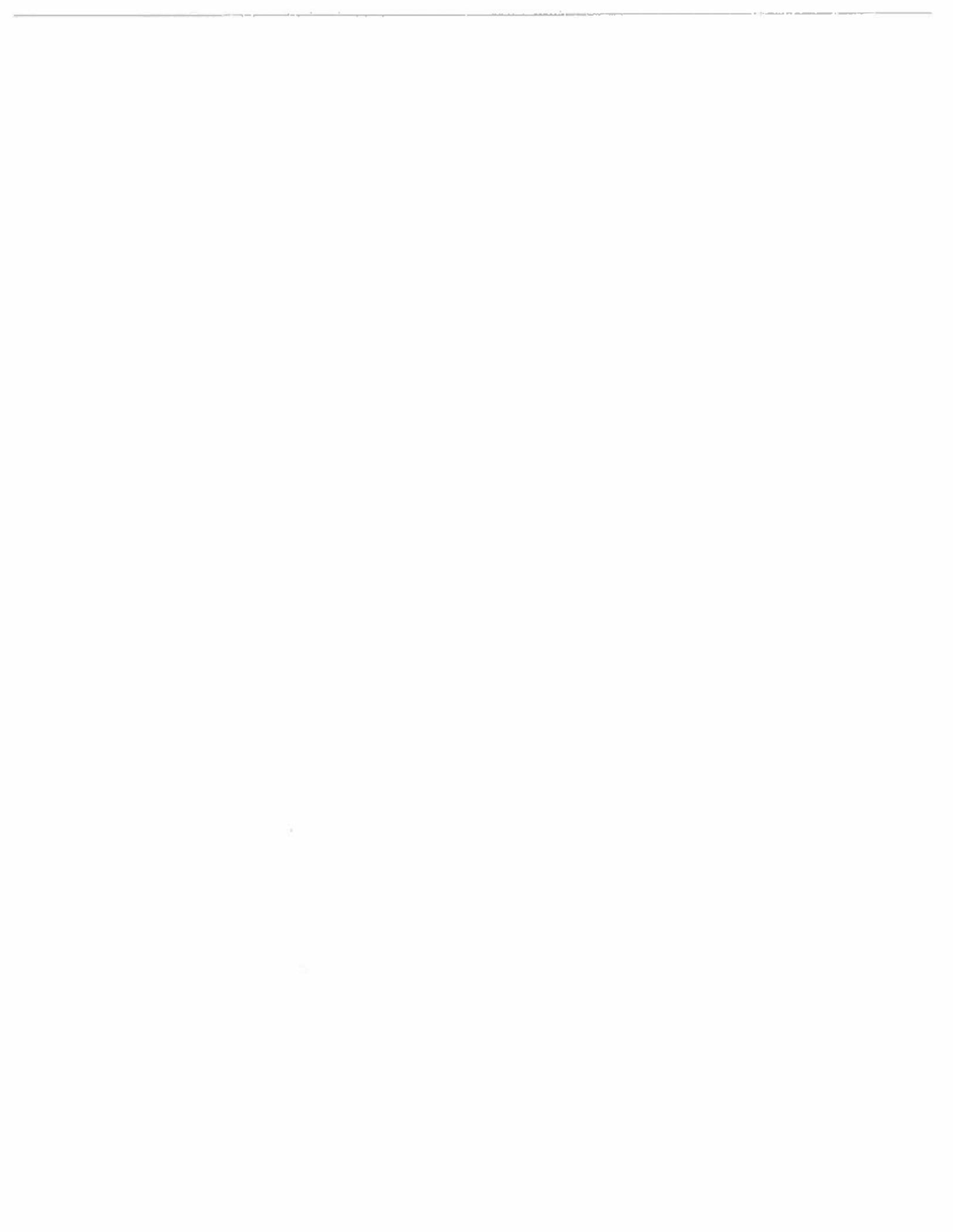
County Inspection and Reporting

21. Permittee shall allow the Inspector access to all portions of the Landfill and all buildings thereon at reasonable times and with reasonable notice while the Landfill is in operation, during closure, in response to any threat or possible endangerment of the public or the environment and such other times as the Inspector may reasonably request; Permittee shall promptly notify the Inspector of all changes in operating hours.
22. Permittee shall furnish the Inspector with access to a telephone, available eating facilities, restrooms and an office in which to keep equipment, as well as an area for the Inspector in inclement weather which allows observation of the scalehouse.
23. Permittee shall allow review and copying by the Inspector of all books, records or logs kept at the Landfill and relating to operation of the Landfill (except financial records). The Inspector shall give Permittee not less than two (2) hours advance notice of his desire to review books and records other than daily logs, which the Inspector may review immediately upon request.
24. Permittee shall allow the Inspector to stop any vehicle entering the Landfill and to inspect the same.
25. Permittee shall allow the Inspector to inspect any face of any cell and to review all work undertaken at the Landfill.
26. Permittee shall allow the Inspector to participate in the taking of any and all samples of waste, surface water, leachate or groundwater at the Landfill, and Permittee shall not take any such sample without first offering the Inspector an opportunity to observe such sampling and obtain split samples if the Inspector so desires.
27. In the event the Inspector desires a sample of surface water, leachate, groundwater or otherwise, written notice will be

provided the Landfill manager, or in his absence, the person supervising the Landfill operations. Permittee shall have 24 hours [or such longer period as agreed to by the Inspector] in which to provide personnel or contractors to take such samples, in the presence of the Inspector and provide the same to the County. Split samples may be kept on behalf of Permittee. In the event Permittee has not provided such personnel or contractor within the applicable period of time, then the County may proceed with the desired sampling, using an engineering firm previously approved by Permittee (which approval shall not be unreasonably withheld or delayed) and following Permittee's reasonable procedures for obtaining such samples. The County shall bear the cost of obtaining such samples, provided that charges from Permittee or its contractor shall not exceed the charges which would be incurred by the use of a third party engineer. Notwithstanding the foregoing, the Inspector may take samples of waste proposed for disposal in the Landfill at the gatehouse or on the face of the Landfill at any time, without advance notice to Permittee.

28. Permittee shall promptly allow review and copying by the Inspector of all test results and reports obtained in connection with the Landfill.
29. In the event Permittee is notified of any violation of applicable federal, State or local laws, regulations or permit conditions, Permittee shall promptly notify the Inspector thereof and provide a copy of any written notice of violation or related correspondence.
30. Permittee shall keep records of all waste received, and the County shall have the right to inspect and audit (subject to Condition Number 23) the same insofar as they pertain to the operation of the Landfill. The records shall show the type, weight, source and volume of solid waste received, deviations made from the plan of operation, those parts of the Landfill then under use, drawings of the actual surveyed location of all construction elements of the Landfill, receipt records, and any other information which is required to be recorded by the facility's permit or federal, State, or local regulations. Permittee shall provide such records to the County as a quarterly report. Permittee shall provide the County with an annual summary of the calendar year's quarterly reports. Not later than March 1 of each year, Permittee shall deliver to the County a certificate of an officer of Permittee certifying the previous year's tonnages and receipts.
31. All reports and certificates received from Permittee shall be public information subject to the normal disclosure laws of the State.

32. Permittee shall supply the County with copies, on a monthly basis, of all of Permittee's inspection reports on any finished cells ready to accept waste, monitoring data and disposal arrangements for removed loads. Loads which are rejected at the gate shall also be identified.
33. Permittee shall promptly notify the County of any indications of the presence of explosive gas, at the Landfill or surrounding areas, equal to or greater than 90% of the lower explosive limit.
34. All of Permittee's monitoring well drilling logs shall be retained in accordance with DWM regulations and made available at the County's request.
35. Permittee shall test and analyze groundwater samples according to DWM parameters, which shall include quarterly analysis during the first year and sample collections to establish groundwater quality at least annually and sample collections to indicate groundwater contamination at least semiannually thereafter. The County shall promptly be provided copies of such analysis.
36. Permittee shall test leachate from the Landfill not less than quarterly and analyze such leachate according to DWM parameters. The County shall promptly be provided copies of such analysis.
37. Permittee shall sample natural surface water bodies which flow through or adjoin the Landfill site for water quality upstream and downstream of the possible point of impact by the Landfill. Such samples shall be taken prior to clearing the site and subsequently on a quarterly basis. The County shall promptly be provided copies of such analysis.
38. For each truck or train carload of solid waste originating outside the County, Permittee shall provide a gatelog certified by the Landfill manager or, in his absence, his designee, that such load was inspected by Permittee either upon entry to the Landfill or on the face of the Landfill and that to the best of Permittee's knowledge, having followed Permittee's normal and reasonable procedures, the same does not contain any hazardous wastes. In lieu of such certification, Permittee may provide a certificate that the load was inspected at the origin or transfer station, provided such certificate is signed by a representative of Permittee actually present at the inspection and states that to the best of Permittee's knowledge, having followed Permittee's normal and reasonable procedures, the load does not contain any hazardous wastes. Permittee shall test such waste in accordance with EPA and DWM standards, as applicable. These certificates shall be available for County review at any time.



39. For each truck or train carload of ash proposed for deposit in the Landfill, Permittee shall follow the procedures for disposal of ash as required by DWM. Permittee shall retain and have available for inspection by the Inspector (pursuant to Condition Number 23) all test results and other information furnished to DWM pursuant to applicable requirements.
40. Permittee shall reimburse the County annually to pay for the County's cost of the inspection and analysis of the waste material at the Landfill. Such reimbursement to the County will be the fair actual costs, but not to exceed \$125,000 annually. Such amount shall be increased as follows:

From commencement of operations through the fifth anniversary thereof	\$125,000
Years 6 - 10	\$150,000
Years 11 - 15	\$175,000
Years 16 - 20	\$200,000
Years 21 - 25	\$225,000
Years 26 - 30	\$250,000
Thereafter	\$25,000 increments every 5 years

Cell Construction

41. Cell construction shall be in accordance with Permittee's permit. Cell construction shall include, but need not be limited to, a combination of the following: a bottom liner of reconstituted in-situ clay, a middle liner of 60-mil synthetic material underlain by a witness zone, and an upper liner of clay underlain by a witness zone and a leachate collection system adequately designed to allow identification of the phase from which the leachate is collected; all of which shall meet or exceed DWM regulations.
42. Permittee shall utilize high density geomembranes for any synthetic liner which serves as a bottom liner for a cell with a thickness of not less than 60-mil for such liners.
43. Permittee shall provide third party quality assurance of each liner system (including industry accepted or any new proven leak detection technology if requested by the County) and allow a State, if the State so requests, and a County representative to examine the work on a daily basis during the construction of the Landfill.

County Comprehensive Solid Waste Management Plan

44. Permittee shall assist the County in the creation and compliance with a County Comprehensive Solid Waste Management Plan as required by DWM.

Recycling

45. Permittee shall assist the County in meeting all recycling mandates as established by DWM and comply with all state- and federally-mandated recycling mandates applicable to landfill operators.
46. Permittee shall provide the County with an annual report on the results of the recycling undertaken in connection with the Landfill including but not limited to the volume, outlets for materials, receipts and expenses.
47. Any solid waste originating from outside the State shall have already been subjected to the originating state's recycling requirements. Permittee shall abide by all State and federal recycling regulations.
48. For waste streams originating outside the County and proposed for deposit in the Landfill, Permittee shall provide a certificate from the waste generator describing the method by which such load meets the recycling requirements of this permit.
49. Permittee shall, within one year after the Landfill becomes operational, construct, permit, operate and maintain a recycling drop-off center at the Landfill capable of managing the recycling (in accordance with the Code of Virginia §10.1-1411, as may be amended from time to time) of newspapers, aluminum, steel and tin cans, glass, ferrous and non-ferrous scrap metal, white goods, used oil, car batteries, cardboard and plastics. Permittee shall arrange for the recycling of such materials. Plans for the recycling center shall be submitted to and subject to reasonable approval by the County. The County's failure to respond within 30 days shall be deemed approval.
50. The recycling drop-off center shall be open during all hours of Landfill operation. Permittee agrees to cooperate in good faith with the County and agrees to consult with and provide technical expertise to the County to insure compliance with § 10.1-1411 of the Code of Virginia (1950), as amended, and to make such reasonable modifications in recycling operations as the County shall request provided the same are without additional cost to Permittee.

Accessory Uses

51. No accessory uses or any other use other than the Landfill use shall be permitted unless specifically described in this Conditional Use Permit. In addition to the use of the property as a Landfill, Permittee may utilize the property for:
- (a) Signs in accordance with the terms of this Conditional Use Permit;
 - (b) A maintenance garage for service located in accordance with plans approved by the County;
 - (c) A waste water treatment facility of at least sufficient capacity to process any and all leachate generated by the Landfill and providing such additional capacity as Permittee shall deem appropriate, provided, however that (i) such facility and its outfall shall be located in accordance with the site plan identified in Condition Number 62, (ii) such facility shall have received all necessary permits from the Health Department and the State Water Control Board prior to commencement of construction, and (iii) the operation of such facility shall be in conformance with all applicable federal, State and local rules, regulations, statutes, ordinances and permits;
 - (d) A cogeneration facility which (i) utilizes gases from the Landfill as its primary fuel and does not involve the incineration of waste, (ii) is located and designed in accordance with plans approved by the County, and (iii) has received all necessary permits from State or federal agencies.
 - (e) A recycling center in accordance with the requirements of this Conditional Use Permit and additional recycling facilities located and designed in accordance with plans approved by the County.

Acceptable and Unacceptable Wastes

52. Permittee shall obtain the necessary State and federal permits to accept "municipal solid waste," "agricultural waste," "debris waste," "construction waste," "demolition waste," "inert waste," "ash" and "sludge" as such terms are defined by this Conditional Use Permit. Permittee shall not be obligated to accept for disposal any material not allowed for disposal by its permits from DWM or EPA. Permittee may refuse to accept any waste which does not conform to any applicable law, regulation, rule or permit condition, or that is hazardous or toxic, even if only part of the waste load is nonconforming.



53. Permittee shall not accept for disposal in the Landfill any of the following ("Unacceptable Wastes"):
- (a) Any solid waste not within the categories described in Condition Number 52 above;
 - (b) Any "infectious waste" or "radioactive waste," as such terms are defined by federal and State statutes and regulations;
 - (c) Any "pathological waste," as defined in this Conditional Use Permit, or any material which is highly flammable, explosive or otherwise reasonably determined to be dangerous in accordance with DWM regulations;
 - (d) Any material the disposal of which in the Landfill would violate applicable federal or State laws, rules, regulations or permits;
 - (e) Any "hazardous waste" which shall be deemed to be: (i) any waste defined as "hazardous waste" by Section C of the Resource Conservation and Recovery Act or EPA's regulations promulgated pursuant thereto, (ii) any waste defined as "hazardous waste" by DWM's Hazardous Waste Management Regulations, or (iii) solid waste, which because of its quantity, concentration, or physical, chemical or infectious characteristics, as determined by DWM, may cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health, the Landfill or the environment when treated, stored, transported, disposed of or otherwise managed;
 - (f) Any non-hazardous domestic irrigation return flows or industrial wastewater sludges not approved for disposal by DWM regulations or industrial discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880);
 - (g) Any nuclear or nuclear by-product material as defined by the Atomic Energy Act of 1954, as amended (86 Stat. 923);
 - (h) Any material number of animal carcasses disposed of in a single day or any petroleum contaminated materials, without specific written approval by the County and the DWM, as applicable; and

- (i) Any asbestos wastes within the meaning of Section 8.1 of the DWM's solid waste management regulations, including asbestos-containing materials and friable asbestos materials.

Response to Deposit of Unacceptable Wastes

54. In the event that Unacceptable Wastes are deposited in the Landfill, Permittee shall promptly remove or cause to be removed the Unacceptable Waste from the Landfill and cause the same to be disposed of in accordance with applicable federal, State and local laws.
55. In the event that Unacceptable Wastes are deposited in the Landfill, DWM and the County shall be notified immediately and a written report shall promptly be prepared and sent to the County. If the vehicle disposing of such waste is known or has not left the site, then immediate notice shall be served on the owner of the vehicle together with instructions to promptly remove and dispose of the Unacceptable Waste. In the event such waste is not removed and all appropriate response actions completed within 24 hours then Permittee shall, with the DWM as necessary and appropriate, remove and dispose of the waste and further assist DWM in the prosecution of the responsible parties.

Financial Responsibility

56. Permittee will provide the necessary liability insurance required by DWM to cover the operations of the Landfill and its workers during the life of the Landfill.
57. Permittee will assume full closure costs of the Landfill.
58. In accordance with DWM regulations relating to facility closure, post-closure monitoring and maintenance, Permittee shall either maintain the required financial test ratios or shall pay to the State by either a trust fund, letter of credit or deposit of collateral, as allowed by DWM Financial Assurance Regulations, an amount sufficient to meet those regulations and further to close the Landfill in any current year and maintain and monitor it for a period of not less than 20 years following closure. These amounts shall be determined and maintained in accordance with DWM regulations.
59. Permittee shall pay into an escrow account established by it and the County up to a maximum of \$1,000,000.00 at the rate of \$5,000.00 per acre for each acre of the Landfill used for disposal. The account shall receive a \$125,000 advance payment upon opening of the Landfill to be credited against the first twenty-five (25) acres to be used for disposal. The account shall be held in escrow pursuant to an escrow

agreement in form reasonably acceptable to the County and Permittee. The funds of the account as well as any income thereon which remains in the account shall be held for the benefit of the County subject to the terms set forth below. To the extent there are any withdrawals from this fund during the operation of the Landfill, such fund will be promptly reimbursed by the amount of such withdrawals by Permittee. The escrow fund shall be interest bearing and all interest produced by the fund shall be retained therein until the fund equals \$2,000,000, whereupon subsequent interest produced by the fund will be paid to Permittee when earned and requested by Permittee. This fund will be held until ten (10) years after the approval of the final closure of the Landfill, at which time 50% of the fund and interest earned thereon may be requested by Permittee, and upon such request shall be paid, less the amount of any claim against the fund which has not been resolved. All of the unexpended balance of the fund will be paid to Permittee twenty (20) years after the final closure of the Landfill, less the amount of any claim against the fund which has not been resolved. The remaining balance withheld and not paid out in claims shall be paid to Permittee upon resolution of all outstanding claims. The County shall be entitled to draw upon the escrow account, without the countersignature of Permittee, in the event of any material contamination of the Landfill or release of contaminants therefrom in the event the same is not promptly remediated by Permittee in accordance with applicable State and federal statutes and regulations and the terms of this Conditional Use Permit. The County shall use any funds withdrawn from such account solely for remediation and/or mitigation of such contamination or release or for cure of a violation hereunder and shall only withdraw amounts sufficient to cover such remediation and/or mitigation or cure. In order to make withdrawals from the escrow account, the County shall first provide Permittee with not less than ten (10) days prior written notice and shall submit a certificate to the escrow manager of the fund indicating the amount and basis for such withdrawal. In the event that any federal or State agency or authority shall require Permittee to maintain a similar fund for the Landfill during the period of escrow, Permittee shall be permitted to submit this fund for satisfaction of such requirement and the County shall agree to reasonable modifications of the fund, provided the County's rights are not materially reduced thereby. The escrow agent shall be an individual or corporation mutually acceptable to Permittee and the County. Any costs of the escrow shall be borne by Permittee.

Design

60. No operation of the Landfill shall begin until the successful completion, submission and approval of Parts A and B of DWM



application to own, construct and operate a solid waste management facility in accordance with the terms of this permit.

61. All areas of the Landfill which are used for the disposal of waste ("Operational Area") shall have buffers and shall comply with the requirements of Article 3 of the County's Zoning Ordinance. Natural vegetation shall be maintained in such buffer as provided in Condition Number 65 and supplemented where necessary with evergreens to insure year-round screening of the operations.

Design Plan

62. Permittee shall submit a detailed site plan to the County for all of the Landfill or any portion to be utilized by Permittee. Such plan shall provide detailed information prescribed by Article 9 of the County Zoning Ordinance.
63. Prior to operation, Permittee shall submit an Erosion and Sediment Control Plan in accordance with the County's Erosion and Sediment Control Ordinance for at least five (5) years of operation (throughout the life of the Landfill) to the County. Permittee shall submit a new plan at appropriate intervals prior to any significant deviation from the then current plan. Such plan shall be subject to administrative review and approval by the County for compliance with this permit and ordinance of the County. The County shall be notified of any deviation from the then current plan and shall have thirty (30) days to respond and in the event the change is significant, shall have ninety (90) days to complete the review and approval for compliance with this permit and the ordinance of the County. Failure to respond within such time period shall allow Permittee to proceed upon notification to the County.

Operations Plan

64. Permittee shall submit a detailed operations plan to the County for all portions of the Landfill to be utilized by Permittee. Such plan shall provide detailed information regarding:
 - (a) the steps Permittee will take to control vectors, site and road dust, litter, methane accumulation and migration, adverse impact on water quality (as defined by DWM or other applicable state regulatory agencies);
 - (b) the steps Permittee will take to minimize adverse effects on wildlife within the utilized area, and



- (c) the steps Permittee will take to achieve the Operation Standards as described in Conditions 65-70 of this Conditional Use Permit.

Such plans shall be submitted to the County which shall review them for conformance with the terms of this Conditional Use Permit. An additional copy of such plans shall be provided to the County and the County shall have the same reviewed by an engineering firm for conformance with law and reasonably acceptable practices for best management within the industry. Within sixty (60) days of receipt of such plans, the County shall provide Permittee with written comments on the specific plans. Permittee, the County and the County's engineering consultant shall arrange for concurrent review as Permittee develops its site plan, and in the event concurrent review has preceded the submittal of the site plans to the County, the County will use reasonable efforts to provide Permittee written comments within thirty (30) to sixty (60) days of receipt of such plans. In the event the County's engineers and Permittee cannot promptly resolve disagreement regarding reasonably acceptable practices for best management within the industry, Permittee and the County shall submit the issue to a third party engineering firm acceptable to Permittee and the County for recommendation. The plans shall be appropriately adjusted and resubmitted to the County. Within thirty (30) days of resubmission, the County shall advise the Permittee whether the plans are deemed final and, if not, what further steps must be taken.

Operations Standards

65. Permittee shall construct and install permanent screening which shall be functional all year long and may consist of natural or artificial materials, which may include, without limitation, landscaping, fencing or berms. The requirement for such screening shall be established and approved in conjunction with the County's site plan review and approval. The County shall have the right to inspect the "as built" screening to ensure that it is acceptable and complies with the County's standards. The County shall monitor compliance during the term of this Conditional Use Permit.
66. Permittee shall provide for the control of all vectors by taking such actions as are reasonably necessary to prevent the attraction or introduction of the same to the Landfill. Because of specific concerns regarding birds which may be attracted to the area, Permittee shall take reasonable efforts to prevent large flocks of birds from gathering around the working areas of the Landfill.
67. Permittee shall control dust from the Landfill by spraying roads and unvegetated areas with water within the Landfill to



reduce dust. Permittee will provide facilities to clean mud from vehicles before they exit the Landfill onto public roads. Any mud on the roads resulting from vehicles from the Landfill shall be removed by Permittee. Permittee shall promptly seed all unvegetated areas except for the stockpile area and areas where already constructed cells or other improvements preclude dust.

68. Permittee shall take such steps as are necessary to prevent noise levels associated with operations on the site from exceeding 72 decibels (not including ambient noise) when measured at the property line of the Landfill site (not including the normal sounds of trucks entering the site).
69. Permittee shall take such steps as are necessary to prevent odor associated with operation of the Landfill from impacting surrounding properties to an extent greater than normal agricultural operations and other industrial uses within the area.
70. Overhead exterior lighting at the Landfill, shall be located and directed so that it does not materially increase ambient light conditions and shall otherwise comply with the County's requirements as set forth in the site plan.

Operations Details

71. Permittee's personnel will visually inspect all solid waste at the gate or on the working face of the Landfill as Permittee deems necessary, before the vehicle is allowed to leave the Landfill. In the event that Permittee detects Unacceptable Waste at the Landfill, the party delivering such waste shall have first responsibility for its removal and all costs associated with its removal and disposal; provided, however, that Permittee is ultimately responsible for the prompt removal of such Unacceptable Waste in accordance with the terms of this Conditional Use Permit. Permittee shall have the right to refuse to accept waste delivered by parties who have knowingly or repeatedly violated the Landfill operating rules.
72. The Landfill shall be open on Monday through Saturday, except for New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Access to the Landfill shall be for at least twelve (12) hours per day, subject to the Landfill permit. Changes to these hours must be with the consent of the County. Failure to respond within 30 days shall be deemed approval.
73. All complaints received by the County will be referred directly to Permittee which shall give them prompt and courteous attention and shall advise the County of the

resolution of such complaints, providing the County with copies of any written responses to such complaints.

74. Except as provided in Condition Number 110, public access to the landfill shall be limited to a single access point. No waste shall enter the landfill except through this point. This access point shall be equipped with a gate which shall be closed and locked during non-operating hours. A scalehouse with an attendant during operating hours and a security guard at all other times shall be located within the gate. Permittee shall initially screen the solid waste to determine its appropriate disposition within the landfill and shall use electronic or other types of sensors to assist this determination as Permittee deems necessary. Permittee shall maintain a video camera to record entering vehicles and to provide security.
75. Private vehicles shall be directed to the transfer station on the landfill by adequate signage.
76. Appropriate steps will be taken to reduce or eliminate blowing trash. Loose debris will be picked up not less than daily.
77. All fuels stored at the landfill shall be maintained in approved corrosive-resistant storage tanks in compliance with all applicable governmental regulations. Bulk fuels shall not be stored in buildings at the landfill.
78. Permanent signs shall be posted at the main entrance of the landfill advising of operating hours, emergency contact persons, the type of materials which are acceptable and such other information as is deemed necessary. Permanent signs shall also be posted throughout the operational areas directing traffic, identifying buildings and specifying types or grades of material to be deposited in particular areas. A separate and prominently displayed sign will notify all users that the landfill prohibits any Hazardous Waste and Unacceptable Wastes.
79. On-site permanent survey benchmarks for horizontal and vertical control will be established at the landfill. At least annually, a revised topographic survey of the working area shall be made and two certified copies delivered to the County.
80. All trucks entering and leaving the landfill shall be weighed at the entrance. Trucks owned by Permittee and other regular users do not need to be weighed upon leaving if the vehicle tare weights are known. Such trucks must be weighed at least annually to check these weights.

81. All solid waste shall be compacted as soon as practical after it is unloaded on the site. Cover material shall be applied daily in accordance with the Landfill permit.
82. All drainage ways shall be kept free of debris and other obstructions to the flow of water. Sediment ponds shall be cleaned as the need arises with the trapped sediment being returned as cover material on the Landfill.
83. No water contaminated with leachate shall be discharged from the Landfill to the natural drainage outfalls.
84. Roads in the operating Landfill shall be graded as necessary to maintain smooth, well-drained surfaces. Permanent unpaved roads shall be covered with gravel.
85. A site inspection checklist shall be maintained in the administrative offices at the Landfill. Results of previous inspections shall be maintained for three (3) years. Inspections shall be made jointly by the Landfill supervisor, a representative of the County, a representative of DWM, or its successors, whenever practical.
86. A record of observed climatic conditions shall be maintained in the administrative offices of the Landfill.
87. Permittee shall establish a methane gas monitoring system at the Landfill in accordance with DWM regulations within twelve (12) months of the beginning of waste disposal at the Landfill. Methane gas measurements will be made monthly around the perimeter of the Landfill. Indications of the presence of explosive gas equal to or greater than 90% of the lower explosive limit are to be documented and evaluated and the County shall be notified thereof immediately. If the condition persists, site investigations shall be started to determine the source and develop corrective solutions. Corrective solutions shall be promptly implemented.
88. Leachate characteristics shall be tested for basic parameters in accordance with DWM regulations prior to treatment.
89. Leachate shall be transferred to an appropriate holding tank. Leachate shall be handled and treated as permitted by federal, State and County authorities. Under no circumstances shall untreated leachate be allowed to escape the Landfill area into the surface or groundwater of the County.
90. Monitoring wells shall be constructed around the perimeter of the Landfill (including within the buffer areas) with the locations of such wells to be approved by DWM prior to their construction. Water samples shall be taken and analyzed according to the parameters established by DWM, at the

frequency specified in Condition 35. This information shall be forwarded to the County and all other applicable regulatory authorities.

91. Statistically significant changes in the water quality of the monitoring wells shall require that additional analyses be made on water samples to determine which water quality parameters have changed, if the changed condition violates water quality standards or other relevant and appropriate standards or requirements, and to identify the potential source of the pollutants. If the Landfill is found to be the cause of such changes in water quality, Permittee will take immediate action to correct the pollution by whatever means are necessary. All violating discharges shall be designated as leachate and disposed of as such.
92. In the event that significant adverse changes to water quality parameters are noted in one or more of the monitoring wells or at one or more of the surface water sampling points, Permittee shall isolate and identify the source of the problem. If the pollutant source is identified as the Landfill, Permittee, in cooperation with DWM, shall take appropriate steps to prevent further pollution. In all cases, Landfill operation in any identified area of contamination shall be stopped until the problem is corrected unless Permittee can demonstrate to the reasonable satisfaction of the County that such action is unnecessary and continued operation will neither interfere with remediation nor risk increase of any contamination. In each case of a well serving a property owner which has been determined by the County and the Permittee to be adversely affected by the Landfill operations, one or more of the following alternatives for mitigation of the adverse effects will be investigated and applied, as appropriate: lowering of pump; installation of new pump; lowering of well; drilling of new well; interconnections with other local unaffected wells; or any other alternative or alternatives which may be deemed appropriate. Permittee agrees to bear the costs for any of the above steps necessary to alleviate such adverse impact.
93. A list of emergency telephone numbers shall be conspicuously placed in the Landfill administration office in case an emergency occurs. Those numbers will include the police, fire department, ambulance or rescue squad, County emergency services coordinator and State and federal offices responsible for clean-up of hazardous material spills. All Landfill employees shall receive periodic emergency response training as part of the regular accident prevention program.
94. No less than two (2) years prior to the anticipated cessation of the Landfill operations, Permittee shall develop a final plan for use of the Landfill after the life of the Landfill has expired. One (1) year before the anticipated cessation of

the Landfill, the final development plan must be in a stage to be accepted and ready for implementation, to the satisfaction of DWM and the County. The final plan shall be subject to the County's approval, not to be unreasonably withheld or delayed.

95. Until such time, following closure, as leachate stabilizes and does not require treatment under the applicable federal and State regulations, Permittee will continue to operate the leachate treatment system and leachate quality will be monitored in the same manner as in the operating phase. At the time that any waste cell reaches stability and leachate quality is within acceptable limits Permittee may apply to DWM for permission to suspend treatment on that particular leachate.
96. Both surface and ground water monitoring shall be continued by Permittee until such time as all leachate has reached stability and the closed Landfill no longer poses a threat to the ground or surface waters. As the leachate quality begins to improve, the frequency of sampling may be reduced with the concurrence of the DWM and the State Water Control Board, as applicable.
97. Not less than two (2) feet of final cover material shall be placed and compacted as a final cover. The material to be used will have demonstrated characteristics, in accordance with DWM regulations, to prevent the rapid absorption and percolation of rainfall. All side slopes shall be graded and terraced. Non-erodible drainage ways shall be constructed, dependent on the final topography of the completed area.
98. A six-inch drainage layer shall be placed over the final cover material and covered with a six-inch layer of top soil to maintain a sufficient surface moisture level on the final cover. The top soil covering shall be graded and seeded with grass, as approved by DWM.
99. The sides of all borrow areas shall be graded to prevent sudden changes in slopes. All stockpiles of overburden will be graded to minimize erosion potential and to prepare the site for future uses in the final plan.
100. All permanent roads in use at the time of closure will be in a passable condition at closure.
101. In the event that Permittee is notified of any violations of applicable laws, regulations or permit conditions at the Landfill, Permittee shall notify the County and shall promptly and diligently cooperate with the applicable regulatory agency and take other reasonable actions in an attempt to cure the violation.

Transfer or Assignment

102. This Conditional Use Permit may be transferred or assigned with the approval of the County; such approval shall be based upon the County's sole determination that such assignee is financially capable to operate the Landfill and to perform all the obligations hereunder and possesses the necessary experience and management ability to operate the Landfill in an acceptable manner.

Lapse of Conditional Use Permit

103. If the Landfill is not constructed within three (3) years of the issuance of this Conditional Use Permit, this Conditional Use Permit shall expire; provided, however, that this Conditional Use Permit may be extended for up to two (2) additional years upon application of the Permittee and approval by the County.

104. This Conditional Use Permit shall expire if the use of the Landfill ceases for three (3) years or more.

Rail and Highway Traffic

105. Subject to approvals by the County and the Virginia Department of Transportation, prior to the opening of the Landfill the State Route 602 bridge over the Norfolk Southern Railway will be improved to accommodate commercial traffic at no cost to the County. The County will assist the Permittee and the Virginia Department of Transportation in acquiring all needed right of ways for such bridge.

106. Permittee shall submit a plan for improvements to State Route 602 in order to adequately accommodate traffic turning from State Route 602 into the Landfill without causing delays in traffic or creating traffic hazards. Such plan shall be in a form satisfactory to the Virginia Department of Transportation and the County. Permittee shall construct or cause to be constructed all such planned improvements prior to commencing operations at the Landfill.

107. Permittee shall require all hauling trucks over which it has control, either by contract or ownership, to utilize State Route 602 from State Route 460 only, in coming to and leaving the Landfill, excluding trucks utilized for County waste collection activity.

108. Permittee shall include in the site plans for the Landfill an on-site staging area for trucks. Such staging area shall be of sufficient capacity to prevent trucks from backing up to State Route 602 as they await clearance into the Landfill, provided that trucks may hold in the deceleration lane on

State Route 602 awaiting for trains to pass. Such area may also be used for overnight parking of hauling trucks provided that such area shall be located entirely outside of the first 100' of the buffer surrounding the Landfill. In no event shall trucks be parked within such portion of the buffer or on State Route 602 or allowed to back up to interfere with traffic on State Route 602.

109. The entrance road to the gatehouse, and the staging area, shall be paved.
110. In the event Permittee utilizes the railroad for transportation of solid waste into the Landfill, Permittee shall provide an on-site staging area for railcars carrying waste. The spur for such rail service may penetrate the buffer, but the staging area shall be located entirely outside the first 100' of the buffer. Such area may be used for overnight parking of railcars used for transportation of solid waste provided that such area shall meet Operating Standards set forth in Condition Numbers 66, 67, 68 and 69.

Waste Accessibility

111. Solid waste shall not be brought into the Landfill in forms which preclude visual inspection of the solid waste. The contents of bales shall be inspected at origination or inspected on the working face when broken. All baled waste shall be broken before coverage.

Wetlands and Creeks

112. Permittee shall obtain all permits and approvals applicable to wetlands pursuant to federal and State laws.
113. Permittee shall not disturb any wetlands adjacent to and connected by at least seasonal surface flow on the Landfill property unless otherwise permitted by appropriate governmental entities. Permittee shall not take any action which dams any such creek, materially reduces the flow of any such creek or results in the degradation of the quality of the water of any such creek through the release of contaminants.

Enforcement

114. In addition to any and all enforcement rights the County may have with regard to violations of its zoning ordinance or the terms of this Conditional Use Permit at law or equity, the County shall have the following enforcement rights:
 - (a) In the event Permittee fails to promptly dispose of leachate in accordance with this Conditional Use Permit, permits the disposal of wastes in the Landfill other than



those wastes permitted under this Conditional Use Permit or fails to construct or close any segment of the disposal area according to the applicable design criteria, and such failure is intentional or the result of Permittee's negligence then the County shall notify Permittee in writing of such violation and the same shall be cured within 30 days. Such cure period shall be extended so long as Permittee is diligently and continuously using its best efforts which will reasonably lead to cure of the violation within a reasonable period of time, but in no event shall such extension exceed 150 days from receipt of the initial notice. There shall be no extension for cure of a violation which endangers the health or safety of the public or threatens to cause material environmental damage unless sufficient actions have been taken to protect the public and the environment within such 30 day period. The County may cancel this Conditional Use permit upon the failure to cure the violation within the applicable cure period and notice to Permittee. The occurrence of a third "30 day" violation within a 12 month period shall entitle the County to cancel this Conditional Use Permit upon discovery of such violation and delivery of notice to Permittee.

- (b) In the event a material violation of this Conditional Use Permit has not been cured within 120 days of written notice to Permittee by the County, unless such violation is governed by Condition Number 113(a), the County may cancel this Conditional Use Permit by notice to Permittee. The period for cure of the violation shall be extended so long as Permittee is diligently and continuously using its best efforts which will reasonably lead to cure of the violation within a reasonable period of time, but in no event shall such extension exceed 180 days from the receipt of the initial notice. There shall be no extension for cure of a violation which endangers the health or safety of the public or threatens to cause material environmental damage unless sufficient actions have been taken to protect the public and the environment within the 120-day cure period.
- (c) In addition to any remedy of specific performance or injunction, any nonmaterial violation of this Conditional Use Permit not cured within 90 days of written notice to Permittee by the County shall be subject to a penalty of \$1,000 for each day of violation following the cure period, provided that the County shall provide Permittee with a second notice not less than 5 business days before such fine shall apply. The period for cure of the

violation shall be extended and no penalty applied so long as Permittee is diligently and continuously using its best efforts which will reasonably lead to cure of the violation within a reasonable period of time.

- (d) No cure period set forth in this Conditional Use Permit for the above additional remedies shall be deemed to preclude the County from proceeding with any other remedies the County may have at law or equity.

Severability

115. If any term, covenant or condition of this Conditional Use Permit, or the application thereof to any person or circumstance, shall to any extent be invalid or unenforceable, the remainder of this Conditional Use Permit, or the application of such term, covenant or condition to other persons or circumstances, shall not be affected thereby, and each term, covenant or condition of this Conditional Use Permit shall be valid and enforceable to the fullest extent permitted by law.

EXHIBIT B

Description of Property

All that certain tract or parcel of land, with all the improvements thereon and appurtenances thereunto belonging, lying and being in Waverly and Newville Districts, Sussex County, Virginia, containing 700 acres, more or less, as shown on that certain plat of survey made by Harvey L. Parks, Inc., dated November 29, 1991, entitled "PLAT OF 700± ACRES OF LAND SITUATED SOUTH OF COOK'S ROAD (RT. NO. 602), WAVERLY AND NEWVILLE DISTRICTS, SUSSEX COUNTY, VIRGINIA", a copy of which plat is attached hereto and to be recorded herewith and being more particularly bounded and described in accordance with said plat as follows:

To find the point and place of beginning, begin at the intersection of the centerline of Cook's Road - Route No. 602 with the centerline of Pidgeon Road - Route No. 624; thence in an easterly direction along the centerline of Cook's Road - Route No. 602, 332.48 feet to a point; thence in a southerly direction S. 11° 53' 00" E. 26.65 feet to a point on the southern line of Cook's Road - Route No. 602, which is the point and place of beginning; thence along the southern line of Cook's Road - Route No. 602 the following courses and distances: (1) along a curve to the right with a radius of 1571.01 feet, an arc distance of 120.96 feet to a point; (2) S. 77° 00' 59" E. 43.39 feet to a point; (3) along a curve to the left with a radius of 2729.05 feet, an arc distance of 468.69 feet to a point; and (4) S. 86° 51' 23" E. 138.77 feet to a point; thence leaving the southern line of Cook's Road - Route No. 602 in a southerly direction S. 16° 10' 00" E. 1,183.51 feet to a rod set; thence S. 70° 52' 13" E. 2,485.40 feet to a rod set; thence S. 41° 30' 00" E. 2,100.00 feet to a rod set; thence S. 27° 24' 09" W. 1,092.34 feet to a monument found; thence S. 27° 26' 34" W. 436.31 feet to a point marked by a 10" white oak tree; thence S. 29° 10' 44" W. 178.56 feet to a point marked by a 12" pine tree; thence S. 51° 17' 46" W. 101.60 feet to a point marked by a 16" pine tree; thence S. 34° 46' 03" W. 112.98 feet to a point marked by a 12" pine tree; thence S. 7° 16' 55" W. 436.79 feet to a point marked by a 16" pine tree; thence S. 3° 16' 46" W. 412.82 feet to a point marked by a 36" pine tree; thence S. 3° 54' 21" W. 236.07 feet to a point marked by a 12" pine tree; thence S. 6° 52' 38" E. 112.70 feet to a point marked by a 18" pine tree; thence S. 1° 21' 25" E. 241.66 feet to a point marked by a monument found; thence S. 41° 15' 59" W. 276.68 feet to a point marked by a monument found; thence S. 40° 56' 07" W. 28.99 feet to a point marked by a monument found; thence S. 40° 02' 02" W. 237.59 feet to a point marked by a 12" pine tree; thence S. 38° 15' 30" W. 413.66 feet to a point marked by a 20" red oak tree; thence S. 41° 58' 23" W. 122.59 feet to a point marked by a 16" pine tree; thence S. 32° 54' 08" W. 165.11 feet to a point marked by a 20" pine tree; thence S. 35° 49' 02" W. 408.80 feet to a point marked by a 12" red oak tree; thence S. 49° 39' 26" W. 300.83 feet to a point marked by a 20" gum tree; thence S. 24° 45' 55" W. 431.20 feet to a rod set; thence S. 41° 04' 13" W. 434

feet, more or less, to a point on the centerline of Pidgeon Swamp; thence along the centerline of Pidgeon Swamp as it meanders in a northwestwardly direction for a distance of 4,600 feet, more or less, to a pipe set; thence N. 6° 36' 57" W. 2,589.04 feet to a rod set; thence N. 44° 12' 00" E. 2,248.57 feet to a rod set; thence N. 11° 53' 00" W. 2,073.35 feet to a point on the southern line of Cook's Road - Route No. 602, which is the point and place of beginning.

Commitment to Insure

ALTA Commitment - 1982

EXHIBIT C



INFORMATION SHEET

The Title Insurance Commitment is a legal contract between you and the Company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

If you have any questions about the Commitment, contact _____

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SCHEDULE A	Insert
1. Commitment Date	
2. Policies to be Issued, Amounts and Proposed Insureds	
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4. Description of the Land	
SCHEDULE B-I — REQUIREMENTS	Insert
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CONDITIONS	Back Cover

**SCHEDULE B-I
(REQUIREMENTS)**

Third Reissue Of
Commitment No. ST9112263

The following are the requirements to be complied with:

1. *Payment to, or for the account of, the sellers or mortgagors of the full consideration for the estate or interest to be insured.*
2. *Proper Instruments in insurable form creating the estate or interest to be insured must be executed, delivered and duly filed for record:*

Item (a) General Warranty Deed with English Covenants of Title from GRANTOR(s) vesting fee simple title in THE INSURED.

NOTE: Proper statutory partnership certificate filed of record prior to recordation of partnership instrument(s) referred to above; and conveyance must be in accordance with the valid operative terms and provisions of the partnership and certificate.

NOTE: Plat of survey referenced under Schedule C hereof must be recorded with required instrument(s).

3. Receipt of satisfactory release of mechanics' and materialmen's liens in the event the statutory period for the filing of such liens has not expired; in the event the statutory period for the filing of such liens has expired, receipt of satisfactory owner's affidavit as to mechanics' liens and possession.

This Commitment is valid only if the Cover Sheet, Schedule A, Schedule B-II and Schedule C are attached.

**SCHEDULE B-II
(EXCEPTIONS)**

Third Reissue Of
Commitment No. ST9112263

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

- 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or arising subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.**
- 2. Taxes for the year 1991 and subsequent years.**
- 3. Possible supplemental assessment and taxes for improvements constructed on the premises.**
- 4. Examination of a plat of survey made by Harvey L. Parks, Inc., dated November 29, 1991, provided by the insured herein for matter adverse to the title herein insured disclosed the following:
(a) Approximate locations of Black Swamp and Pidgeon Swamp as shown on said survey.
(b) Approximate locations of old road lying in easterly portion of insured premises and Hobb's Path - Forest Trail No. 128 crossing through center of insured premises.
NOTE: Rights of others in and to the use of the old road and Hobb's Path - Forest Trail No. 128.**
- 5. This commitment will expire January 1, 1995.**

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.

This Commitment is valid only if the Cover Sheet, Schedule A, Schedule B-I and Schedule C are attached.

Third Reissue Of
Commitment No.: ST9112263

SCHEDULE C

Owners Policy No.: _____

Loan Policy No.: _____

The land referred to in this commitment / policy is described as follows:

ALL that certain tract or parcel of land, with all the improvements thereon and appurtenances thereunto belonging, lying and being in Waverly and Newville Districts, Sussex County, Virginia, containing 700 acres, more or less, as shown on that certain plat of survey made by Harvey L. Parks, Inc. dated November 29, 1991, entitled, "PLAT OF 700 +/- ACRES OF LAND SITUATED SOUTH OF COOK'S ROAD (RT. NO. 602), WAVERLY AND NEWVILLE DISTRICTS, SUSSEX COUNTY, VIRGINIA", a copy of which plat is attached hereto and to be recorded herewith and being more particularly bounded and described in accordance with said plat as follows:

To find the point and place of beginning, begin at the intersection of the centerline of Cook's Road - Route No. 602 with the centerline of Pidgeon Road - Route No. 624; thence in an easterly direction along the centerline of Cook's Road - Route No. 602, 332.48 feet to a point; thence in a southerly direction S. 11 degrees 53' 00" E. 26.65 feet to a point on the southern line of Cook's Road - Route No. 602, which is the point and place of beginning; thence along the southern line of Cook's Road - Route No. 602 the following courses and distances: (1) along a curve to the right with a radius of 1,571.01 feet, an arc distance of 120.96 feet to a point; (2) S. 77 degrees 00' 59" E. 43.39 feet to a point; (3) along a curve to the left with a radius of 2,729.05 feet, an arc distance of 468.69 feet to a point; and (4) S. 86 degrees 51' 23" E. 138.77 feet to a point; thence leaving the southern line of Cook's Road - Route No. 602 in a southerly direction S. 16 degrees 10' 00" E. 1,183.51 feet to a rod set; thence S. 70 degrees 52' 13" E. 2,485.40 feet to a rod set; thence S. 41 degrees 30' 00" E. 2,100.00 feet to a rod set; thence S. 27 degrees 24' 09" W. 1,092.34 feet to a monument found; thence S. 27 degrees 26' 34" W. 436.31 feet to a point marked by a 10" white oak tree; thence S. 29 degrees 10' 44" W. 178.56 feet to a point marked by a 12" pine tree; thence S. 51 degrees 17' 46" W. 101.60 feet to a point marked by a 16" pine tree; thence S. 34 degrees 46' 03" W. 112.98 feet to a point marked by a 12" pine tree; thence S. 7 degrees 16' 55" W. 436.79 feet to a point marked by a 16" pine tree; thence S. 3 degrees 16' 46" W. 412.82 feet to a point marked by a 36" pine tree; thence S. 3 degrees 54' 21" W. 236.07 feet to a point marked by a 12" pine tree; thence S. 6 degrees 52' 38" E. 112.70 feet to a point marked by a 18" pine tree; thence S. 1 degree 21' 25" E. 241.66 feet to a point marked by a monument found; thence S. 41 degrees 15' 59" W. 276.68 feet to a point marked by a monument found; thence S. 40 degrees 56' 07" W. 28.99 feet to a point marked by a monument found; thence S. 40 degrees 02' 02" W. 237.59 feet to a point marked by a 12" pine tree; thence S. 38 degrees 15' 30" W. 413.66 feet to a point marked by a 20" red oak tree; thence S. 41 degrees 58' 23" W. 122.59 feet to a point marked by a 16" pine tree; thence S. 32 degrees 54' 08" W. 165.11 feet to a point marked by a 20" pine tree; thence S. 35 degrees 49' 02" W. 408.80 feet to a point marked by a 12" red oak tree; thence S. 49 degrees 39' 26" W. 300.83 feet to a point marked by a 20" gum tree; thence S. 24 degrees 45' 55" W. 431.20 feet to a rod set.

This policy is valid only if the Cover Sheet and Schedules A and B are attached.

continued

Third Reissue Of
Commitment No.: ST9112263

Owners Policy No.: _____

Continuation of SCHEDULE C _____ :

Loan Policy No.: _____

set; thence S. 41 degrees 04' 13 W. 434 feet, more or less, to a point on the centerline of Pidgeon Swamp; thence along the centerline of Pidgeon Swamp as it meanders in a northwestwardly direction for a distance of 4,600 feet, more or less, to a pipe set; thence N. 6 degrees 36' 57" W. 2,589.04 feet to a rod set; thence N. 44 degrees 12' 00" E. 2,248.57 feet to a rod set; thence N. 11 degrees 53' 00" W. 2,073.35 feet to a point on the southern line of Cook's Road - Route No. 602, which is the point and place of beginning.

BEING a portion of the same real estate conveyed to Grayland Company, a Virginia limited partnership, by 1) Deed from Elmon T. Gray et als dated July 31, 1974 and recorded September 26, 1974 in the Clerk's Office, Circuit Court, County of Sussex, Virginia in Deed Book 82, page 267; 2) Deed from Horace A. Gray, III et als, dated January 1, 1978 and recorded December 30, 1975 in the aforementioned Clerk's Office in Daed Book 84, page 264.

NOTE: The following is provided for information only and should be verified with the appropriate taxing authority.

TAX ASSESSMENT FOR 1991

Tax Bill No.	1761	1712	1777
Land	\$ 405,830.00	\$ 166,800.00	\$ 225,090.00
Improvements	\$ -0-	\$ -0-	\$ -0-
Total	\$ 405,830.00	\$ 166,800.00	\$ 225,090.00
Total Tax:	\$ 2,110.31	\$ 867.36	\$ 1,170.46
Parcel No.	1-GL-138A 1,391.43400 Ac 6-A-8	1-GL-316 449.37 Ac. 14-A-1	1-GL-138C 299.75 Ac. 15-A-1

MSM/acs

Commitment to Insure

ALTA Commitment - 1982



AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six (6) months after the Commitment Date our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:
The Provisions in Schedule A
The Requirements in Schedule B I
The Exceptions in Schedule B-II
The Conditions below

This Commitment is not valid without SCHEDULE A and Sections I and II of SCHEDULE B.

CONDITIONS

- Definitions. (a) "Mortgage" means mortgage, deed of trust or other security instrument.
(b) "Public

Records" means title records that give constructive notice of matters affecting your title according to the state statutes where your land is located.

2. **Later Defects.** The Exceptions in Schedule B - Section II may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attach between the Commitment Date and the date of which all of the Requirements (a) and (c) of Schedule B - Section I are met. We shall have no liability to you because of this amendment.

3. **Existing Defects.** If any defects, liens or encumbrances existing at Commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. **Limitation Of Our Liability.** Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

- Comply with the Requirements in Schedule B - Section I
- or
- Eliminate with our written consent any Exceptions shown in Schedule B - Section II.

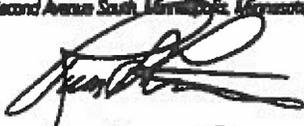
We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. **Claims Must Be Based On This Commitment.** Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this Commitment and is subject to its terms.

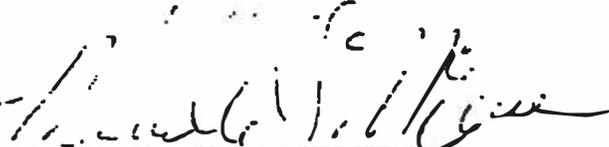
IN WITNESS WHEREOF, Title Insurance Company of Minnesota has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A, to be valid when countersigned by a validating officer or other authorized signatory.

Issued through the Office of:
COMMONWEALTH TITLE CORPORATION, AGENT

TITLE INSURANCE COMPANY OF MINNESOTA
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401

By  President

 Secretary


Michelle S. McQueen

1875

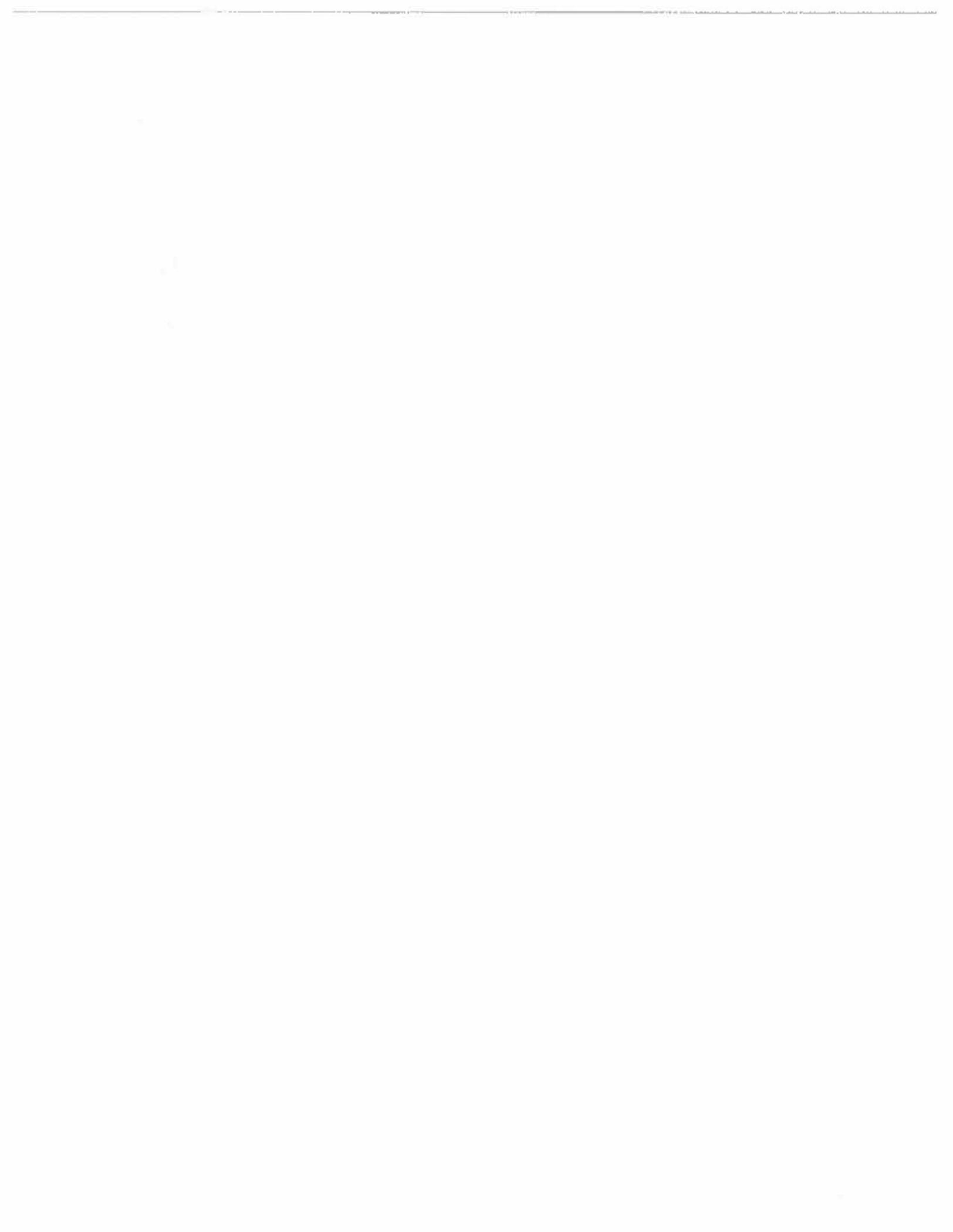
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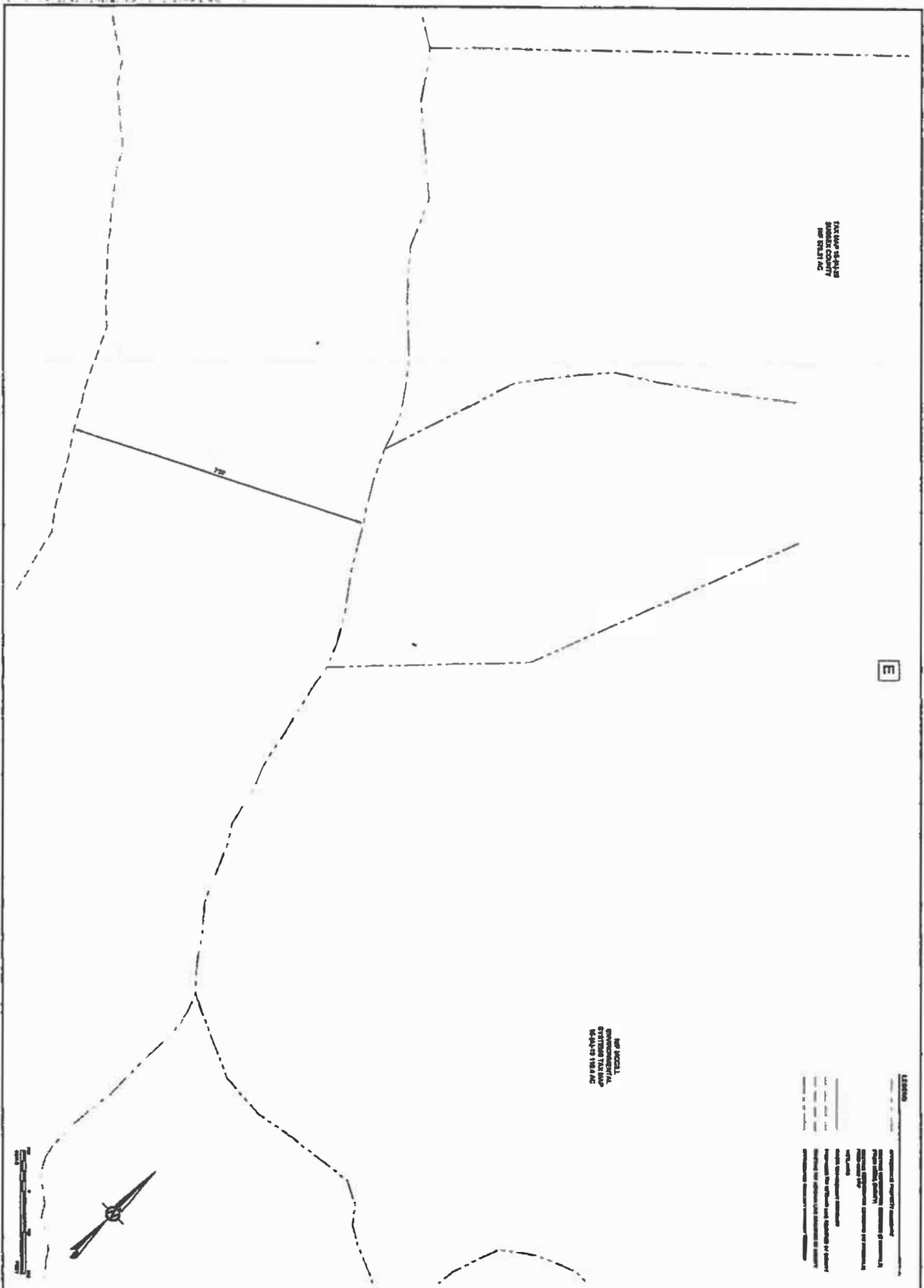
1877

EXHIBIT D

Tire Locations

1. Property owned by Sussex Enterprises and Donald Magee located along Route 460 in Wakefield designated as Tax Parcels 61A4-((A))-139 and 61A4-((A))-140A. This property contains approximately 2,000 tires.
2. Property owned by Grayland Company along Route 460 on both sides of the bridge at Warwick Swamp designated as Tax Parcel 6-((A))-8. This property contains approximately 2,000 tires.
3. Property owned by E. D. Sharp located along Routes 651 and 626 designated as Tax Parcel 15-((A))-13. This property contains approximately 1,000 tires.
4. Property owned by Ernest Claude, Jr. located along Route 704 designated as Tax Parcel 161-((A))-13. This property contains approximately 4,000 tires.
5. Property owned by Hal Hester along Route 602 designated as Tax Parcel 12-((A))-2. This property contains approximately 3,000 tires.





THE STATE OF VIRGINIA
 DEPARTMENT OF ENVIRONMENTAL
 QUALITY
 1000 COMMONWEALTH AVENUE
 RICHMOND, VIRGINIA 23219

E

DEVELOPER'S
 PROPERTY
 TO BE ACQUIRED
 THROUGH
 EASEMENT

LEGEND

Property Boundary	--- (Dashed Line)
Proposed Landfill	--- (Dashed Line)
Proposed Road	--- (Solid Line)
Proposed Easement	--- (Dashed Line)
Proposed Utility	--- (Dashed Line)
Proposed Structure	--- (Dashed Line)
Proposed Access	--- (Dashed Line)
Proposed Driveway	--- (Dashed Line)
Proposed Parking	--- (Dashed Line)
Proposed Office	--- (Dashed Line)
Proposed Warehouse	--- (Dashed Line)
Proposed Storage	--- (Dashed Line)
Proposed Maintenance	--- (Dashed Line)
Proposed Administration	--- (Dashed Line)
Proposed Security	--- (Dashed Line)
Proposed Safety	--- (Dashed Line)
Proposed Health	--- (Dashed Line)
Proposed Environment	--- (Dashed Line)
Proposed Community	--- (Dashed Line)
Proposed Culture	--- (Dashed Line)
Proposed Religion	--- (Dashed Line)
Proposed Education	--- (Dashed Line)
Proposed Science	--- (Dashed Line)
Proposed Technology	--- (Dashed Line)
Proposed Art	--- (Dashed Line)
Proposed Music	--- (Dashed Line)
Proposed Theater	--- (Dashed Line)
Proposed Film	--- (Dashed Line)
Proposed Television	--- (Dashed Line)
Proposed Radio	--- (Dashed Line)
Proposed Internet	--- (Dashed Line)
Proposed Telephone	--- (Dashed Line)
Proposed Cable	--- (Dashed Line)
Proposed Satellite	--- (Dashed Line)
Proposed Other	--- (Dashed Line)

ATLANTIC WASTE DISPOSAL, INC.
 SUSSEX COUNTY, VIRGINIA

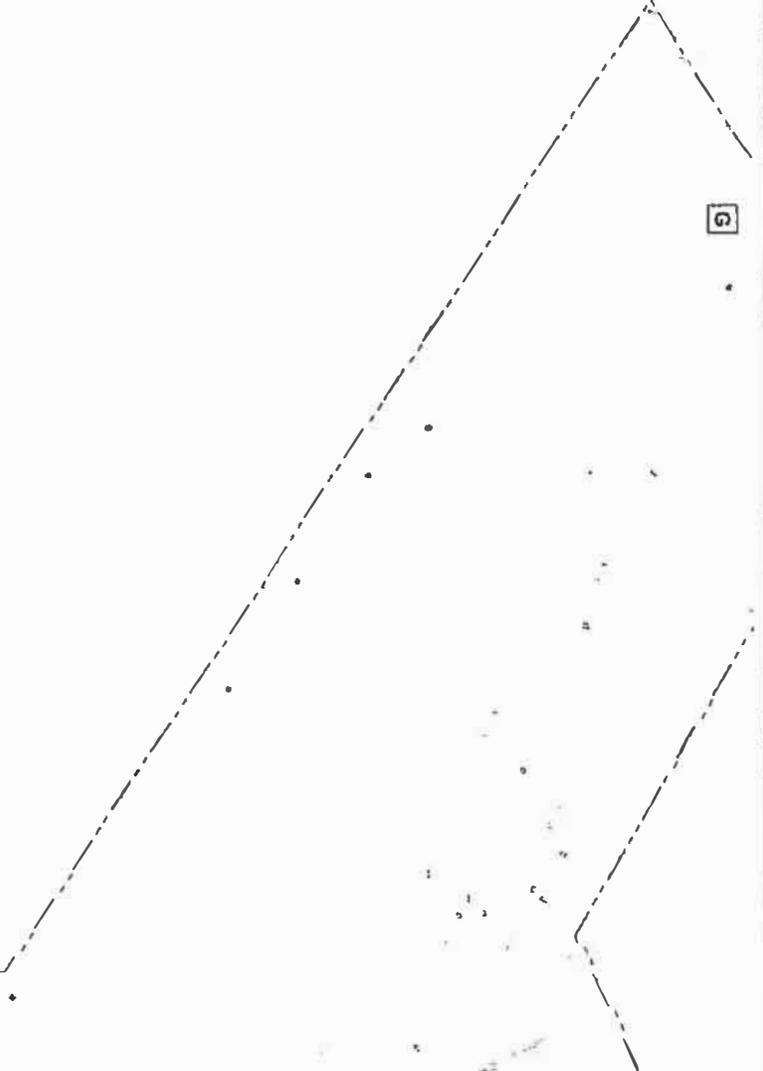
ATLANTIC WASTE DISPOSAL, INC.

SITE SKETCH - E

COLINA ASSOCIATES
 3708 WEST LARAMIE AVENUE
 SUITE 200
 DENVER, CO 80202

1. All dimensions are in feet and inches.
 2. All dimensions are to the center of the line unless otherwise noted.
 3. All dimensions are to be maintained throughout the life of the project.
 4. All dimensions are to be maintained throughout the life of the project.
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 20. All dimensions are to be maintained throughout the life of the project.



PROJECT:
ATLANTIC WASTE DISPOSAL LANDFILL
SUSSEX COUNTY, VIRGINIA

CLIENT:
ATLANTIC WASTE DISPOSAL, INC.

TITLE:
SITE SKETCH - 6

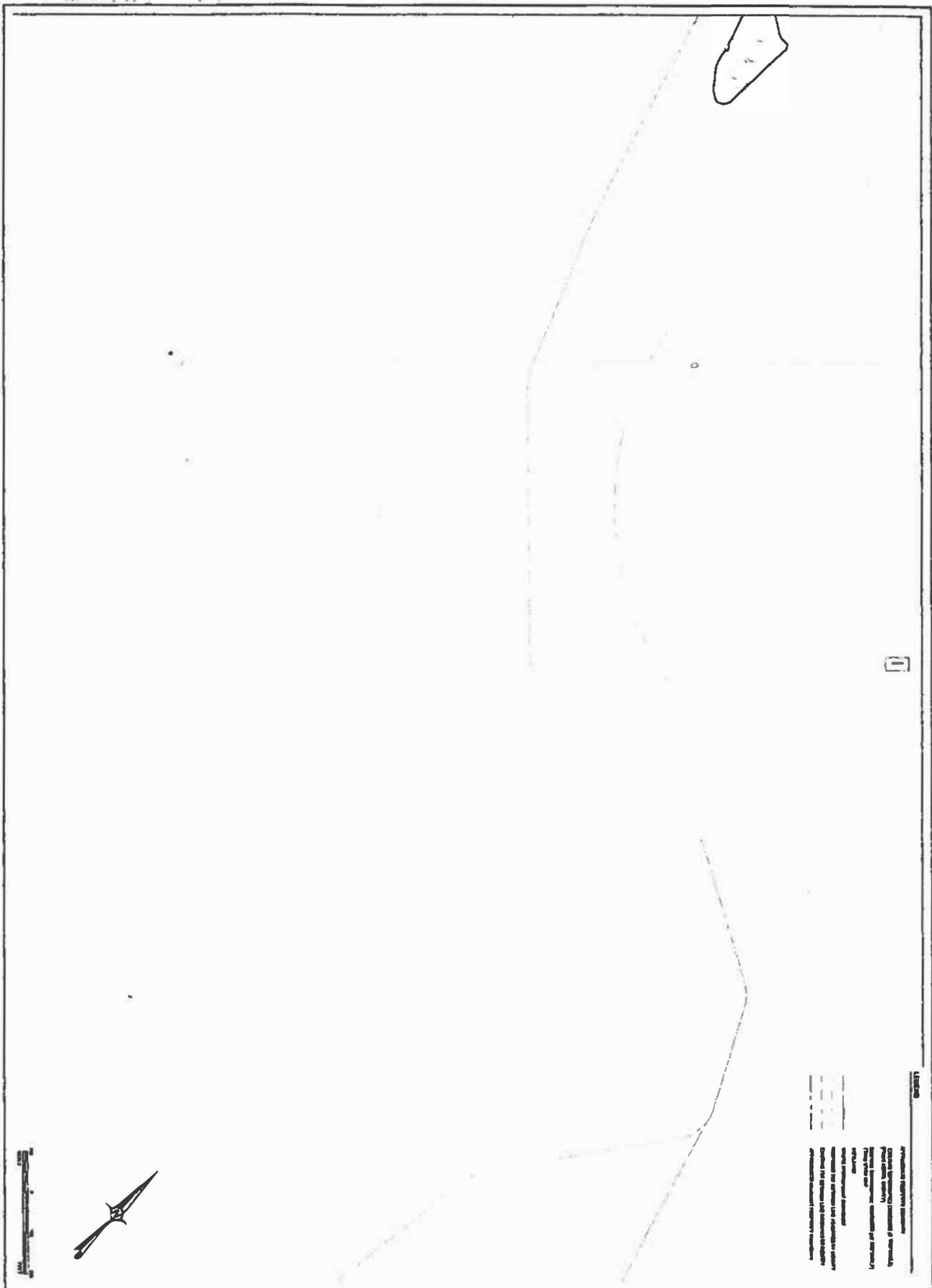
DRAWN BY:
GEORGE MORGENTHAU
2100 WEST LANSING AVE
ANN ARBOR MI 48106



LEGEND

Proposed Landfill Location
 2000 ft. Buffer Zone
 1000 ft. Buffer Zone
 500 ft. Buffer Zone
 250 ft. Buffer Zone
 100 ft. Buffer Zone
 50 ft. Buffer Zone
 25 ft. Buffer Zone
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15000

Professional Engineer
 License No. 10000
 State of Virginia
 Seal of the Professional Engineer
 State of Virginia
 License No. 10000



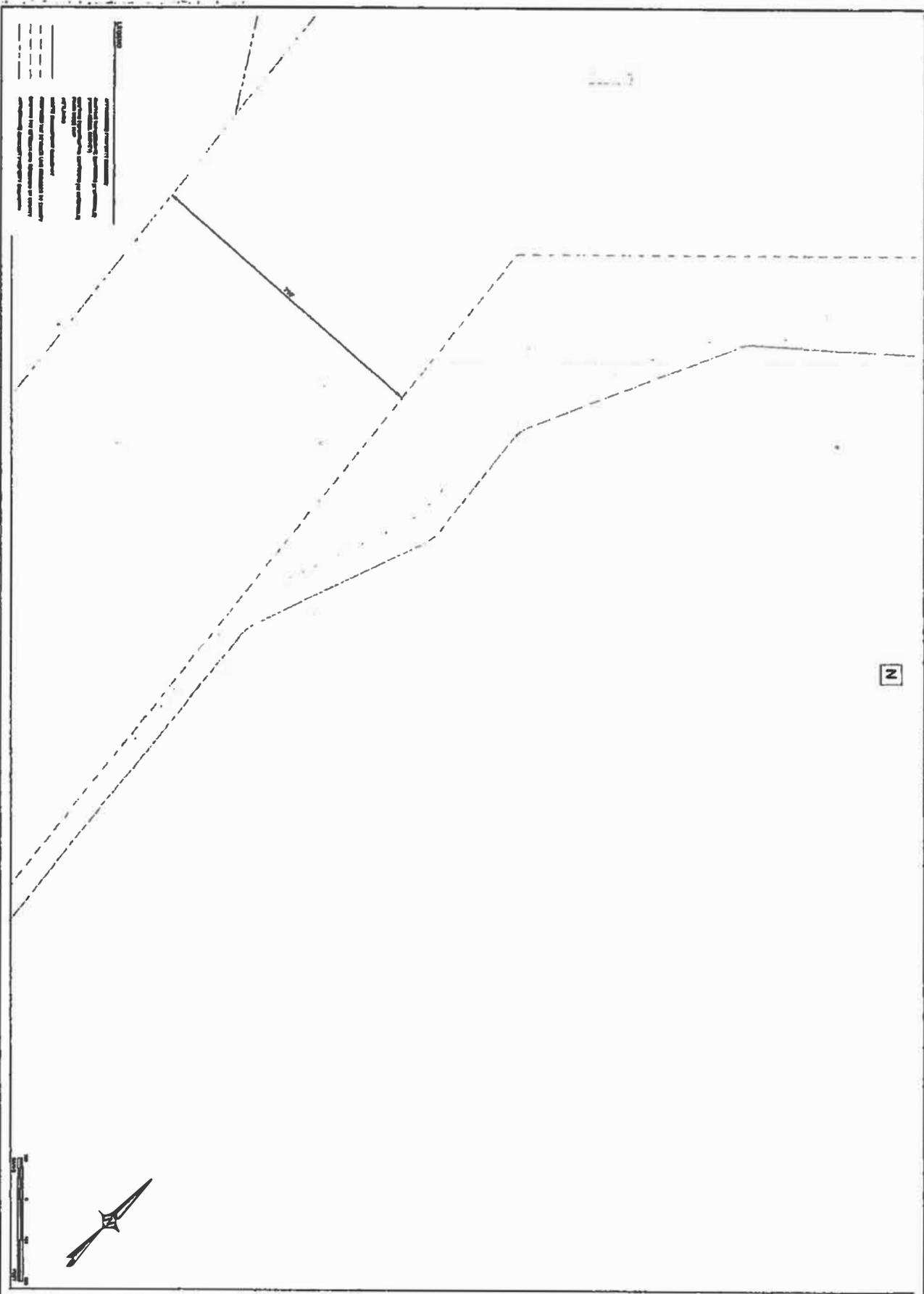
ATLANTIC WASTE DISPOSAL LANDFILL
 SUSSEX COUNTY, VIRGINIA

ATLANTIC WASTE DISPOSAL, INC.

SITE SKETCH - 1

COLSON ASSOCIATES
 2100 WEST LEBANON AVENUE
 SUITE 200
 CHARLOTTE, NC 28208

ENCLOSURE



ATLANTIC WASTE DISPOSAL LANDFILL
SUSSEX COUNTY, VIRGINIA

ATLANTIC WASTE DISPOSAL, INC.

SITE SKETCH - N

COLDER ASSOCIATES
2700 WEST LAKESHORE AVENUE
SUITE 200

Condition 61 (NEW):

All areas of the Landfill used for the disposal of waste ("Operational Area") located on Parcel Nos. 15-A-4, 15-A-6, and 15-A-8 (the "Additional Parcels") shall be setback 750 feet ("Operational Setback") from any adjacent property lines that are not under common ownership by the Applicant or that are not used for Landfill purposes. Atlantic Waste shall provide screening for the Operational Area through any, one or more of, the following screening methods: (1) a minimum ten-foot buffer of natural vegetation supplemented with evergreens (where necessary) to ensure year-round screening; (2) a minimum 8-foot tall fence with screening slats or screening fabric; (3) berm or other screening method that achieves year-round screening; or (4) any combination of items 1-3 above. The type and location of such screening shall be shown at the time of site plan review.

5

FOR CONSULTATION
BY THE PUBLIC
AND THE STATE
DEPARTMENT OF
ENVIRONMENTAL
AFFAIRS



ATLANTIC WASTE DISPOSAL LANDFILL
SUSSEX COUNTY, VIRGINIA

SITE SKETCH - B

ATLANTIC WASTE DISPOSAL, INC.

2100 WEST LARAMIE AVENUE
SUITE 200

FOR INFORMATION ONLY
THIS SKETCH IS NOT TO BE USED FOR
LEGAL PURPOSES
IT IS THE RESPONSIBILITY OF THE USER
TO VERIFY THE ACCURACY OF THE
INFORMATION SHOWN HEREON
AND TO OBTAIN NECESSARY
PERMITS FROM THE APPROPRIATE
AGENCIES

1. All areas shown on this map are the property of Atlantic Waste Disposal, Inc. and are shown for information only. No warranty is made by Atlantic Waste Disposal, Inc. as to the accuracy of the information shown on this map.

2. The information shown on this map is based on aerial photography and ground surveys. It is not intended to be used for any purpose other than the one for which it was prepared.

3. The information shown on this map is not to be used for any purpose other than the one for which it was prepared.

4. The information shown on this map is not to be used for any purpose other than the one for which it was prepared.

5. The information shown on this map is not to be used for any purpose other than the one for which it was prepared.

6. The information shown on this map is not to be used for any purpose other than the one for which it was prepared.

7. The information shown on this map is not to be used for any purpose other than the one for which it was prepared.

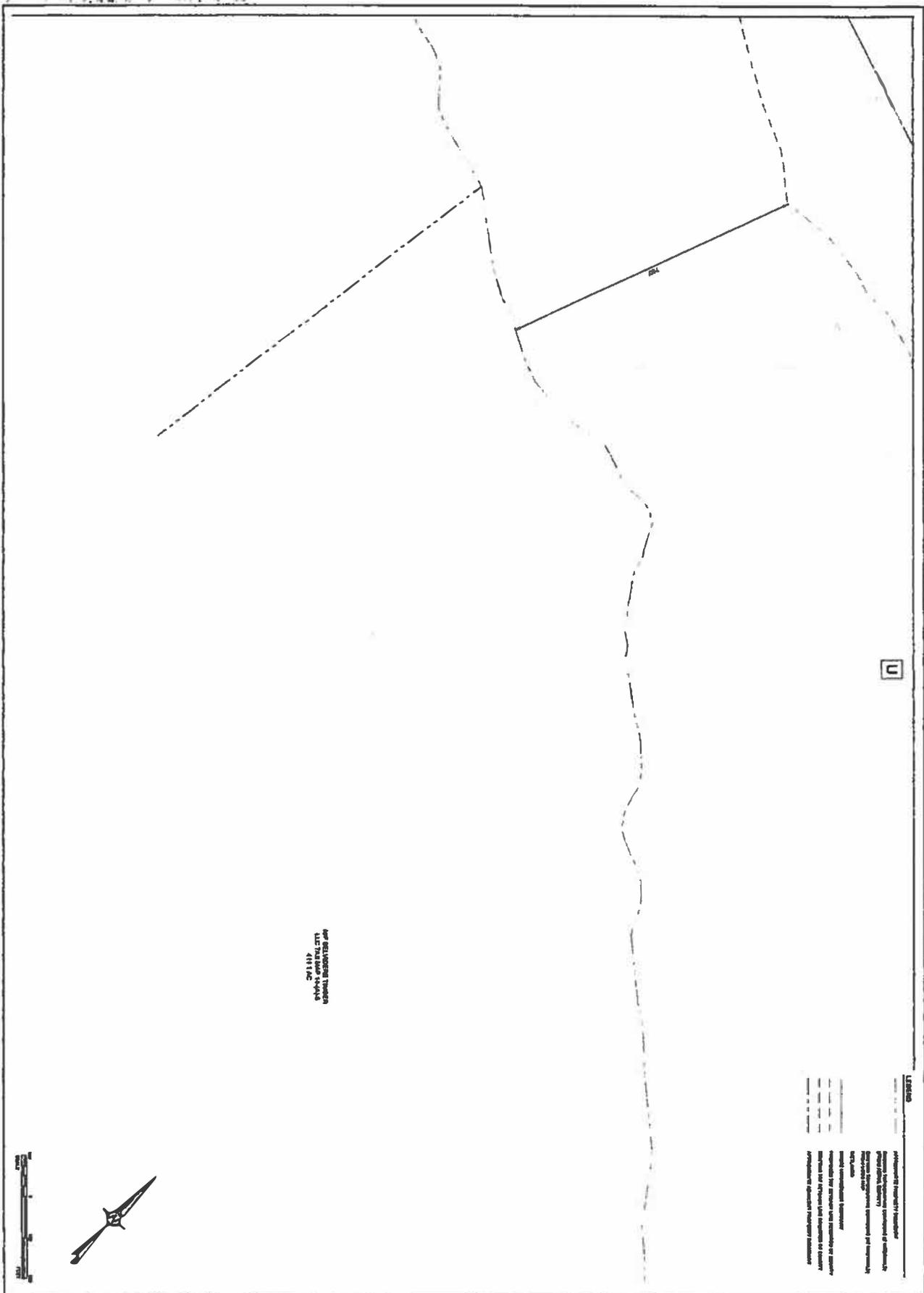


ATLANTIC WASTE DISPOSAL LANDFILL
 SUSSEX COUNTY, VIRGINIA

ATLANTIC WASTE DISPOSAL, INC.

SITE SKETCH - T

GOLDEN ABSTRACTS
 2100 WEST LAKESHORE AVENUE
 SUITE 200
 GOLDEN, CO 80401

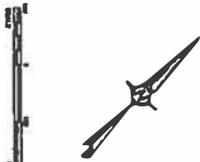


20110
 20110
 20110
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 20110

C

LEGEND

Property boundary
 Utility line
 Road
 Other



ATLANTIC WASTE DISPOSAL LANDFILL
 SUSSEX COUNTY, VIRGINIA

ATLANTIC WASTE DISPOSAL, INC.

SITE SKETCH - U

GOLDER ASSOCIATES
 2100 WEST LAUREL AVENUE
 SUITE 200
 FREDERICK, VA 22031

GOLDER

Notice of Public Hearing

Sussex County Board of Supervisors

Notice is hereby given that the Sussex County Board of Supervisors will hold a public hearing on Thursday, October 15th, 2020 at 6:00 p.m. in the Sussex Elementary School Gymnasium, 21392 Sussex Drive, Sussex, Virginia 23884.

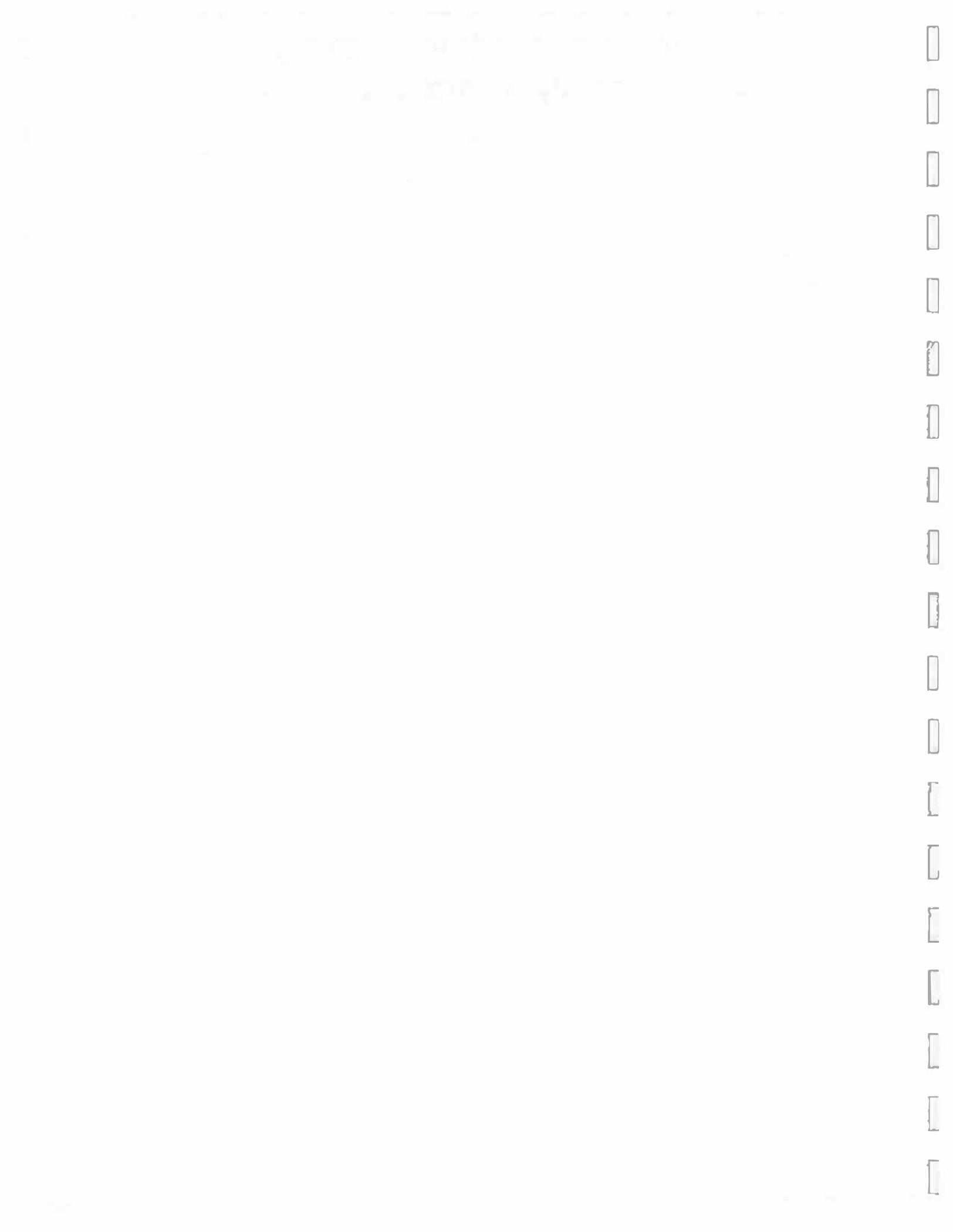
Due to the ongoing COVID health crisis and the limited space available due to social distancing practices, if attending in person face coverings will be required and social distancing measures will be followed. Anyone needing assistance or accommodation under the provisions of the American Disabilities Act should call the County Administrator's Office at 434-246-1000.

A copy of the proposed Zoning Text Amendment and Conditional Use Permit Application along with supporting documentation are available for review in the Community Development Office during regular business hours Monday thru Friday from 8:00 a.m. to 4:30 p.m.

Zoning Text Amendment #2020-03: Pursuant to Article II, Division 2, Section 34-222, subsection (e) of the Zoning Ordinance, the applicant, Atlantic Waste Disposal, Inc., seeks a zoning text amendment. The current language code language reads as follows: "Any sanitary landfill operation shall be located at least one mile from any residence, school or business, public facility and church and at least 750 feet from any property line." The request is to add the following language after the word church, ", except that this distance may be reduced to one-half mile provided no more than five (5) such uses are less than a mile from the landfill,"

Conditional Use Permit Application #2020-02: Pursuant to Article II Section 34-217, subsection (29) of the zoning ordinance, the applicant, Atlantic Waste Disposal, Inc., seeks a conditional use permit for expansion of the existing land fill site to the following parcels: 15-A-4, 15-A-6, and 15-A-8. The new parcels will add approximately 570 acres to the existing land fill Site. The project is located in the Blackwater/Waverly district. East of US 460, fronting on SR 602 and is part of the current 1,315-acre existing Atlantic Waste Disposal land fill site. The proposal is to add the additional acreage for construction of 3 new disposal cells.

Authorized by:
Richard Douglas
County Administrator



BOARD ACTION FORM

Agenda Item: Public Hearing Item #4.04

Subject: Big Game Hunting Ordinance

Board Meeting Date: October 15 2020

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Summary: The purpose of this Public Hearing, pursuant to Va. Code § 15.2-1427, is to amend the Sussex County code § 46-225, Chapter 4, Animals, Article V. Game and firearm, to allow that a person may use a rifle in addition to a muzzle loading rifle to hunt big game during the regular hunting season only as follows: (1) the rifle is 0.23 caliber or larger, (2) the person shall hunt only from an elevated stand at least ten (10) feet above ground level; unless the hunter obtains the disabled hunter exemption as provided by Virginia Code § 29.1-528.2 or other applicable state law; (3) the rifle may have a round in its chamber only when it is on the elevated stand; and (4) the person first obtains written permission from the landowner; and the person complies with all safety and other regulations of the Sussex County Code and the Virginia Department of Wildlife Resources.

A copy of the proposed ordinance or amendment to ordinance will be available at the County Administration office located 20135 Princeton Road, Sussex, Virginia 23884. Business hours are Monday through Friday, 8:30 a.m. to 5:00 p.m.

All interested parties are invited to attend.

Attachments: Proposed Ordinance
Copy of Advertisement

=====
ACTION: That the Board of Supervisors adopts ordinance of the he proposed increase in courthouse and courtroom security fees from \$10.00 to \$20.00 pursuant to Section 53.1-120 of the Code of Virginia.

MOTION BY: _____ **SECONDED BY:** _____

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Fly	___	___	W. Jones	___	___
Johnson	___	___	Seward	___	___
D. Jones	___	___	Tyler	___	___
			White	___	___ (Tie Breaker)

Sussex County

Ordinance to Allow for Hunting of Big Game During the Regular Hunting Season with Rifles Larger than .22 Caliber; Requirements and Penalties.

Be it Ordained by the Sussex County Board of Supervisors that Section 46-225 of the County Code of Ordinances is hereby amended to allow for hunting big game during the regular hunting season with rifles larger than .22 caliber as follows:

Sussex County Code Sec. 46-225. - Hunting with muzzle loading rifle and certain other caliber rifles; penalties.

A. Any other provision of law notwithstanding, during the prescribed open season for the hunting and killing of big game, the hunting of big game with muzzle loading rifles is expressly permitted, provided that such use shall be subject to the same rules and regulations, whether state or local, which apply to the use of any other firearm. The hunting of big game with any other rifle is expressly prohibited, except as otherwise provided in this Section.

B. A person may use a rifle other than a muzzle loading rifle to hunt big game during the regular hunting season only as follows:

- (i) The rifle shall be a 0.23 caliber or larger;
- (ii) The person shall hunt only from an elevated stand at least ten (10) feet above ground level, unless the hunter obtains the disabled hunter exemption as provided by Virginia Code § 29.1-528.2 or other applicable state law;
- (iii) The rifle may have a round in its chamber only when it is on the elevated stand;
- (iv) The person first obtains written permission from the landowner; and
- (v) The person complies with all safety and other regulations of this Code and the Virginia Department of Wildlife Resources.

C. Nothing in this section shall prohibit a landowner or lessee from killing a deer, elk or bear that is damaging fruit trees, crops, livestock or personal property utilized for commercial agricultural production, as long as the owner or lessee of the property complies with Virginia Code §29.1-529 and other applicable state law.

D. Any person who violates this section shall be guilty of a class 3 misdemeanor.

State Law reference— Hunting with certain firearms, Code of Virginia, § 29.1-528

Be it Further Ordained, that except as amended hereby, the remainder of County Code Section 46-225 shall remain in effect as previously adopted.

Adopted by the Sussex County Board of Supervisors this ___ day of _____, 2020.

By: _____
Susan Seward, Chair

Attest: _____
Clerk to the Board

NOTICE OF PUBLIC HEARING

SUSSEX COUNTY, VIRGINIA

Notice is hereby given pursuant to Va. Code § 15.2-1427, the Sussex County Board of will hold a Public Hearing at its regularly scheduled meeting on Thursday, October 15, 2020 at 6:00 p.m. in the Sussex Elementary School Gymnasium located at 21392 Sussex Drive, Stony Creek, Virginia 23882 on the following ordinance being proposed for adoption:

AN ORDINANCE TO AMEND THE SUSSEX COUNTY CODE § 46-225, CHAPTER 4, ANIMALS, ARTICLE V. GAME AND FIREARM, TO ALLOW THAT A PERSON MAY USE A RIFLE IN ADDITION TO A MUZZLE LOADING RIFLE TO HUNT BIG GAME DURING THE REGULAR HUNTING SEASON ONLY AS FOLLOWS: (1) THE RIFLE IS 0.23 CALIBER OR LARGER, (2) THE PERSON SHALL HUNT ONLY FROM AN ELEVATED STAND AT LEAST TEN (10) FEET ABOVE GROUND LEVEL; UNLESS THE HUNTER OBTAINS THE DISABLED HUNTER EXEMPTION AS PROVIDED BY VIRGINIA CODE § 29.1-528.2 OR OTHER APPLICABLE STATE LAW; (3) THE RIFLE MAY HAVE A ROUND IN ITS CHAMBER ONLY WHEN IT IS ON THE ELEVATED STAND; AND (4) THE PERSON FIRST OBTAINS WRITTEN PERMISSION FROM THE LANDOWNER; AND THE PERSON COMPLIES WITH ALL SAFETY AND OTHER REGULATIONS OF THE SUSSEX COUNTY CODE AND THE VIRGINIA DEPARTMENT OF WILDIFE RESOURCES

A copy of the proposed ordinance or amendment to ordinance will be available at the County Administration office located 20135 Princeton Road, Sussex, Virginia 23884. Business hours are Monday through Friday, 8:30 a.m. to 5:00 p.m.

All interested parties are invited to attend.

Authorized by:

Richard Douglas

County Administrator

For
Informational Purpose Only
For the
October 29, 2020
BOS Supervisors Special Meeting

**NOTICE OF PUBLIC HEARING
SUSSEX COUNTY, VIRGINIA**

Notice is hereby given pursuant to Va. Code § 15.2-1427, the Sussex County Board of will hold a Public Hearing at a continued meeting to be held on Thursday, October 29, 2020 at 6:00 p.m. in the Sussex Elementary School Gymnasium located at 21392 Sussex Drive, Stony Creek, Virginia 23882 on the following ordinance being proposed for adoption:

AN ORDINANCE TO AMEND THE SUSSEX COUNTY CODE ARTICLE V. GAME AND FIREARMS, TO REQUIRE ELEVATED STANDS AND LANDOWNER PERMISSION FOR HUNTING BY MUZZLE LOADER, AND TO ALLOW THE USE OF SHOTGUN SLUG RIFLES AND MODERN MUZZLE LOADING RIFLES TO HUNT DEER AS FOLLOWS (1) THE PERSON SHALL HUNT ONLY FROM AN ELEVATED STAND AT LEAST TEN (10) FEET ABOVE GROUND LEVEL; UNLESS THE HUNTER OBTAINS THE DISABLED HUNTER EXEMPTION AS PROVIDED BY VIRGINIA CODE § 29.1-528.2 OR OTHER APPLICABLE STATE LAW; (2) THE RIFLE MAY HAVE A ROUND IN ITS CHAMBER ONLY WHEN IT IS ON THE ELEVATED STAND; AND (3) THE PERSON FIRST OBTAINS WRITTEN PERMISSION FROM THE LANDOWNER; AND (4) THE PERSON COMPLIES WITH ALL SAFETY AND OTHER REGULATIONS OF THE SUSSEX COUNTY CODE AND THE VIRGINIA DEPARTMENT OF WILDIFE RESOURCES.

A copy of the proposed ordinance or amendment to ordinance will be available at the County Administration office located 20135 Princeton Road, Sussex, Virginia 23884. Business hours are Monday through Friday, 8:30 a.m. to 5:00 p.m.

All interested parties are invited to attend.

**Authorized by:
Richard Douglas
County Administrator**