

FOIA RELEASE

CONFIDENTIAL – ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

**BOARD OF SUPERVISORS
FOR THE
COUNTY OF RUSSELL
NOTICE OF PUBLIC HEARING
IN ACCORDANCE WITH VA. CODE § 14.1-1408.1(B)(3)**

**INTENTION TO
RECEIVE PUBLIC COMMENTS ON AND CONSIDER ADOPTION OF
PROPOSED NEW PRIVATE SOLID WASTE MANAGEMENT FACILITY
AND PROPOSED LANDFILL HOST AGREEMENT
(PRIVATE LANDFILL)**

Pursuant to Virginia Code §§ 14.1-1408.1(B)(3), notice is hereby given that the Board of Supervisors for the County of Russell, Virginia, intends to receive public comments on the proposed Landfill Host Agreement between Russell County, Virginia and The NOVA Company of Virginia (or its designee), with respect to a proposed new private solid waste management facility (private landfill) to be located within the County of Russell, Virginia, on:

**Monday, June 3, 2024, at _____:00 P.M.
in the _____,
_____, Lebanon, VA**

at which time the public shall have the right to present oral and written testimony. At a later date, the Board of Supervisors will consider adopting a resolution approving the proposed Landfill Host Agreement between Russell County, Virginia and The NOVA Company of Virginia (or its designee) pursuant to Va. Code § 10.1-1408.1(B)(7).

Descriptive Summary of the Proposed Landfill and Landfill Host Agreement

Va. Code § 10.1-1408.1(B)(3) requires, as part of the application for a new solid waste management facility permit, that the applicable governing body provide certification that it has held a public hearing to receive public comments, in accordance with Va. Code § 15.2-2204, with respect to such facility. Va. Code § 10.1-1408.1(B)(7) requires, in connection with the application for a new solid waste management facility permit, that the governing body of the locality in which the facility is to be located certify that a host agreement has been reached between the applicant and the governing body.

The NOVA Company of Virginia, a Delaware corporation, proposes to construct a new private solid waste management facility (private landfill) in Russell County, Virginia, to be located off of Gravel Lick Road (Virginia State Route 615) between North Clinchfield Drive and Cheney Creek Road (at or near the site of the former Moss No. 3 Coal Preparation Plant). The solid waste management facility will be a private sanitary landfill. The landfill will be owned and operated by The NOVA Company of Virginia. The site of the landfill (Parcel No. 141R6097J) is owned by Russell County Reclamation, LLC, a Virginia limited liability company, and is approximately 598.63 acres according to Russell County's GIS website. The NOVA Company of

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Virginia has informed Russell County that it has applied, or intends to apply, to the Virginia Department of Environmental Quality for a new solid waste management facility permit with respect to the proposed landfill. Operation of the landfill will be subject to a proposed Landfill Host Agreement between Russell County and The NOVA Company of Virginia.

In accordance with Va. Code § 10.1-1408.1(B)(7), the proposed Landfill Host Agreement addresses, among other items: (1) the amount of financial compensation to be provided by The NOVA Company of Virginia to Russell County; (2) daily travel routes and traffic volumes; (3) the daily disposal limit; (4) the anticipated service area of the facility; (5) The NOVA Company of Virginia's obligation to pay the full cost of at least one full-time employee of Russell County whose responsibility it will be to monitor and inspect waste transportation and disposal practices in the locality; and (6) The NOVA Company of Virginia's obligation to split air and water samples, upon request, so that Russell County may independently test such samples at The NOVA Company of Virginia's cost and expense.

According to the proposed Landfill Host Agreement, Russell County will receive compensation under the Landfill Host Agreement based on an escalating "host fee" that will be determined based on the tonnage of waste delivered to the landfill. The host fee will escalate under the proposed agreement based on the daily average number of tons delivered to the landfill during the applicable month. The proposed agreement contains a minimum aggregate host fee per year. The proposed Landfill Host Agreement also contains provisions to increase the host fee rates in later years of the agreement.

The proposed Landfill Host Agreement requires that waste be delivered primarily by rail (80% or more of tonnage per year). These deliveries will occur across existing railways. Up to 20% of the waste delivered to the landfill each year may be delivered by commercial trucks traveling across Gravel Lick Road (Virginia State Route 615). Private cars and pickup trucks will not be permitted to dispose of waste at the proposed landfill.

Deliveries of waste to the proposed landfill will be limited by the proposed Landfill Host Agreement to a daily average of 10,000 tons. The proposed agreement will not place any restriction on the service area and will allow the proposed landfill to accept waste from any location, subject to the other terms of the proposed agreement. The proposed landfill will be required to accept delivery of acceptable wastes from Russell County, but such waste will not be counted against the maximum daily average of waste, nor will a host fee be applied to any waste delivered by Russell County.

According to the proposed Landfill Host Agreement, the proposed landfill will only be permitted to accept specific types of non-hazardous wastes. The proposed Landfill Host Agreement prohibits the landfill from accepting any waste that (i) contains toxic, infectious, pathological, highly flammable, explosive, radioactive; (ii) would violate the landfill's solid waste management facility permit issued by the Virginia Department of Environmental Quality; (iii) is considered to be a "Hazardous Waste" (as defined by the proposed Landfill Host Agreement); (iv) contains any nonhazardous domestic, irrigation return flows or industrial wastewater sludges not approved for disposal by the Virginia department of Environmental Quality regulations, or industrial discharges which are point sources subject to permits under § 402 of the Federal Water

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Pollution Control Act (as amended); or (v) contains any nuclear or by-product material as defined by the Atomic Energy Act of 1954 (as amended).

Additional provisions of the proposed Landfill Host Agreement include, without limitation, buffers and screening, litter control, site drainage, odor management, leachate management, landfill liner requirements, monitoring and inspection rights, insurance requirements, financial assurances for closure of the landfill, the term of the agreement, events of default, remediation requirements, and indemnification obligations.

Copy of Proposed Landfill Host Agreement Available for Inspection

A copy of the full text of the most recent draft of the proposed Landfill Host Agreement is on file and available for inspection in the office of the County Administrator for Russell County, located at 137 Highland Drive, Suite A, Lebanon, Virginia 24266, between the hours of 8:30 A.M. and 4:30 P.M. Monday through Friday; or by calling Lonzo Lester, County Administrator, at 276-889-8000.

At this hearing, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at [REDACTED], at least three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

Run Dates:

5/___/24

5/___/24