

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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June 21, 2010

Mr. Ernell Hartwell
Solid Waste Permitting Section
Bureau of Land and Waste Management
SC DHEC
2600 Bull Street
Columbia, SC 29201

Re: MRR Sandhills, LLC Landfill Determination of Need and Consistency

Dear Mr. Hartwell:

On behalf of the Blue Ridge Environmental Defense League and our members in Marlboro County and other communities in both North and South Carolina, I write to provide comments on the draft Determination of Need and Consistency for the proposed MRR Sandhills, LLC Class 3 Landfill. The site for this landfill near the North Carolina-South Carolina border with the primary access located in North Carolina has raised concerns across state lines. Blue Ridge Environmental Defense League chapters in Marlboro, Richmond and Scotland Counties have repeatedly voiced their objections to this project.

We support the Department's conclusion that MRR has failed to meet the first phase of the permitting process because the landfill is not consistent with Marlboro County's zoning ordinance. However, we do not agree that MRR has met either the Determination of Need requirement or that the landfill is consistent with Marlboro County's Solid Waste Management Plan.

We also point out that while the landfill footprint may have a 1000 foot buffer, people living on Osborne Road in Richmond County near the access points may not have the protection of the 1000 foot buffer and would certainly be heavily impacted by truck and/or train transportation of waste.

We do not agree that the MRR Sandhills landfill would be consistent with either the County's revised solid waste management plans or the 2001 plan referenced in the Department's determination letter. The 2001 plan makes numerous reference's to Marlboro's existing practices and future plans to transport their waste to landfills outside the county. For example, in Section V the 2001 plan states:

“Marlboro County has no plans to import waste generated outside of the county. Marlboro County will continue to export its municipal solid waste through a

transfer station to a Subtitle D landfill located outside of the County. Marlboro County plans to export its municipal solid waste to the Pee Dee Regional Landfill for final disposal once the facility is placed into operation.”

A 2005 revision to Marlboro County’s Solid Waste Management Plan reinforces the County’s plans to manage solid waste:

“Because Marlboro County uses Bennettsville’s transfer station, there is no need for municipal solid waste or industrial solid waste disposal facility in Marlboro County. Marlboro County will continue to export its municipal solid waste to Lee County landfill until the year 2022 (fifteen years). When Lee County landfill closes in 2022, Marlboro County through their transfer station will transport the county’s municipal solid waste to another permitted Subtitle D landfill from year 2023-2028.”

The MRR Sandhills, LLC Class 3 landfill is clearly inconsistent with Marlboro County’s 2001 plan and the County’s subsequent revisions.

The Department’s draft Demonstration of Need (DON) indicates that the MRR landfill satisfies the DON requirement and that is eligible for a maximum annual disposal of 1,480,000 tons. Marlboro County’s small population with an annual waste stream in 2009 of only 10, 867 tons is obviously not in need of a 1,480,000 tons per year landfill. This calculation is apparently based on 100% of Marlboro County (the host county) plus 50% of all counties in South Carolina that touch on or fall within a 75 mile radius of the proposed site and does not already have a Class 3 landfill. With the landfill bordering another state and the largest geographic area within the 75 mile radius *outside* of the state of South Carolina, this method of calculating need should be reconsidered.

Finally, the many of the issues raised by the MRR Sandhills Landfill remain unresolved. We request that DHEC hold a public hearing before rendering its final decision and give the affected citizens the opportunity to address these issues.

Sincerely,

David Mickey
Blue Ridge Environmental Defense League