

# COUNTY OF CAMPBELL



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ALTAVISTA (434) 592-9525  
BROOKNEAL (434) 283-9525  
LYNCHBURG (434) 592-9525  
RUSTBURG (434) 332-9525  
FAX NO. (434) 332-9617

POST OFFICE BOX 547, ALTAVISTA, VIRGINIA 24517  
E-MAIL – [www.dwshrevelaw@comcast.net](mailto:www.dwshrevelaw@comcast.net)  
[www.campbellcountyvva.gov](http://www.campbellcountyvva.gov)

COUNTY ATTORNEY  
DAVID W. SHREVE  
OFFICE PHONE (434) 369-6621  
FAX NO. (434) 369-5971

January 13, 2016

Frank J. Rogers, IV, *County Administrator*  
County of Campbell  
P. O. Box 100  
Rustburg, VA 24588

**Re: Local Certification of Compliance for Major Solid Waste Management  
Permit Amendment for Lateral Expansion at Region 2000 Services Authority  
Landfill**

Dear Frank:

A question has been posed as to whether the Board of Supervisors can rescind any action taken to certify to the Department of Environmental Quality that the lateral expansion at the Region 2000 Services Authority Landfill is in compliance with local ordinances. I must answer that question in the negative.

VA CODE ANN §10.1-1408.1 (Rep. Vol. 2012) provides that no application for a permit amendment to expand or increase in capacity a solid waste management facility shall be complete unless it contains, among other things, a certification from the governing body of the county in which the facility is to be located that the location and operation of the facility are consistent with all applicable ordinances. This certification is required to be made not more than 120 days from receipt of a request of the applicant.

On February 4, 2014, the Campbell County Board of Supervisors was given an information item in its board book by David Laurrell explaining the necessary certification and indicating that the form would be executed unless a concern was raised.

Subsequently, Mr. Tweedy signed that form on May 5, 2014 and it was sent to the Department of Environmental Quality as a part of the major permit amendment process. A copy of that form is attached.

Frank J. Rogers, IV  
*County Administrator*  
January 13, 2016  
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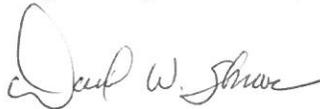
Thereafter, the major permit amendment was issued pursuant to all the governing statutes and administrative regulations, to the Region 2000 Regional Services Authority. Accordingly, the issue is now moot. Any action by the Board of Supervisors at this point could not be made retroactive inasmuch as the major permit amendment has been issued.

Further, this is a ministerial certification only, meaning that if the facility is consistent with local ordinances, primarily the zoning ordinance, the Board could not certify non-compliance, but rather it is required to certify compliance.

In conclusion, the issue of certification of compliance with local ordinances is moot and even if the issue was not moot the Board of Supervisors could not certify that the lateral expansion of the landfill is contrary to any ordinances in Campbell County as it is not.

I trust the foregoing answers your inquiry. Should you have any further questions or concerns please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David W. Shreve".

David W. Shreve

# REQUEST FOR CERTIFICATION

APPLICANT: Region 2000 Services Authority

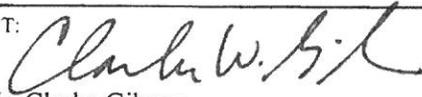
APPLICANT'S MAILING ADDRESS:

361 Livestock Road  
Rustburg, VA 24588

TYPE OF FACILITY: Permit 610 - MSW Landfill - Lateral Expansion

The applicant is in the process of completing an application for a permit for a solid waste management facility to be issued by the Virginia Department of Environmental Quality. In accordance with §10.1-1408.1 and §10.1-1411, Code of Virginia (1950), as amended, before such a permit application can be considered complete, the applicant has to obtain certification from the governing body of the county, city, or town in which the facility is to be located that the location and the operation of the proposed facility and/or its proposed expansion is: either consistent with the regional solid waste management plan (SWMP) or has initiated the process of amending the SWMP to include the new or expanded facility; and is in accordance with all the local ordinances. For a permit by rule (PBR) application; in accordance with §10.1-1408.1.Q, the SWMP must be consistent with the application and be approved in accordance with §10.1-1411. *The undersigned requests that an authorized representative of the local governing body sign the certification below.*

SIGNATURE OF THE APPLICANT:



TYPED OR PRINTED NAME: Mr. Clarke Gibson

DATE: 04/30/2014

TITLE: Solid Waste Director

TELEPHONE: 434-455-6079

NOTE: The applicant should enclose an appropriate map showing the location of the proposed facility/expansion.

## CERTIFICATION

~~The undersigned certifies that the proposed facility/expansion is consistent with the regional solid waste management plan or this plan is being amended for consistency. If the application is for a PBR, the undersigned certifies that the proposed facility is consistent with the SWMP and the SWMP has been approved in accordance with §10.1-1411.~~

~~SIGNATURE OF THE AUTHORIZED LOCAL GOVERNMENT REPRESENTATIVE:~~

~~TYPED OR PRINTED NAME:~~

~~DATE:~~

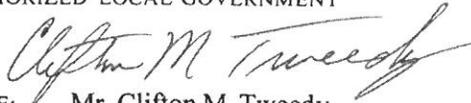
~~TITLE:~~

~~TELEPHONE:~~

~~SOLID WASTE PLANNING UNIT:~~

~~The undersigned certifies that the location and operation of the proposed facility/expansion is consistent with all local ordinances.~~

SIGNATURE OF THE AUTHORIZED LOCAL GOVERNMENT REPRESENTATIVE:



TYPED OR PRINTED NAME: Mr. Clifton M. Tweedy

DATE: 5.5.2014

TITLE: Deputy County Administrator

TELEPHONE: 434-322-9621

COUNTY, CITY OR TOWN: Campbell County Virginia