

Congress of the United States

Washington, DC 20515

November 3, 2006

The Honorable Stephen L. Johnson
Administrator
Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Ave., N.W.
Room 3000
Washington, D.C. 20460

The Honorable John Paul Woodley, Jr.
Assistant Secretary of the Army
for Civil Works
101 Army Pentagon
Room 3E446
Washington, D.C. 20310-0101

Dear Administrator Johnson and Assistant Secretary Woodley:

We are writing to ask the Army Corps of Engineers and the Environmental Protection Agency to take steps to ensure that the Black Bear landfill proposed to be constructed by Waste Industries in Camden County, North Carolina, receive a full public interest review before any permits required for the construction of the landfill are issued.

The landfill would be located in northern Camden County near the Virginia-North Carolina border within the Environmental Protection Agency (EPA) designated Albemarle-Pamlico Estuary. The plans developed for the site and submitted by Waste Industries to the North Carolina Department of Environment and Natural Resources call for a landfill that would be two and one half miles long and located in an area that is surrounded by one of the most sensitive and productive fish and wildlife habitats in the nation. Recognizing its value, Federal, State, local governments and conservation groups have invested well over \$100 million to protect this area.

The landfill is projected to collect 10,000 tons of trash each day which would be imported into the area from locations throughout the east coast of the United States. It would be located within the Northwest River watershed and threatens to contaminate a critical source of drinking water for a City of over 200,000 should the leachate protection at the site fail.

Given the sensitivity of the site and the potential serious adverse impacts, it is imperative that the Federal government undertake a careful review to ensure the full protection of the environment before construction is initiated on the project. Therefore, we request that the Army Corps of Engineers in cooperation with the Environmental Protection Agency undertake an immediate review of the site to determine whether permits for the completion of the project would be required under Section 404 of the Federal Water Pollution Control Act. If such permits would be required, we respectfully request that the appropriate agency take immediate steps to ensure that a full public interest review is undertaken to determine the impact of the landfill on the environment, including specifically impacts on the following:

- (1) surface and groundwater quality, including but not limited to municipal drinking water supplies and private wells;
- (2) fish and wildlife and habitat, including the Great Dismal Swamp National Wildlife Refuge, the Commonwealth of Virginia--Cavalier Wildlife Management Area and other federally-protected or state-protected properties;
- (3) regional air quality including odor transport and the potential release of toxic air pollutants from the landfill operations;
- (4) increased traffic and congestion for adjacent communities;
- (5) the potential for release of toxic or hazardous materials during a category 3 or higher storm event;
- (6) the impact on potential for long-term, sustainable economic development in the area;
- (7) access to emergency services to respond to landfill incidents, traffic accidents, and operations;
- (8) coastal zone management issues;
- (9) operation and maintenance of the Atlantic Intracoastal Waterway Dismal Swamp Canal; and
- (10) national defense preparedness, specifically the impact of the landfill operations on nearby defense and homeland security facilities.

Furthermore, the appropriate agency should ensure that there is full consultation with all affected Federal, state and local agencies, public interest organizations and the general public.

The decision to issue or not to issue a permit should be based on the results of a thorough analysis of the site, the impact the proposed activity on the environment and the availability of reasonable alternative landfill sites that pose less harm to the environment. We do not prejudge the outcome of such an analysis; but we believe strongly that it must be undertaken before a project of this magnitude is undertaken.

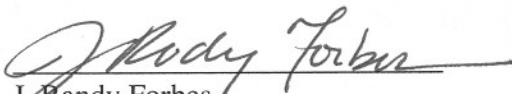
Sincerely,



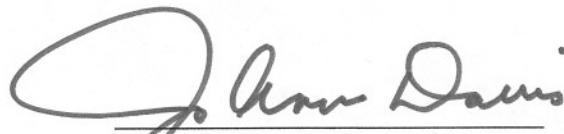
John W. Warner
United States Senate



George Allen
United States Senate



J. Randy Forbes
Member of Congress



Jo Ann Davis
Member of Congress

Virgil Goode

Virgil Goode
Member of Congress