

# THE LANDFILL

## Facts About The Highlands Solid Waste Facility Located On Highway 49 In Coopertown, TN

*The facts contained in this document were provided from documents on file at the Tennessee Department of Environment and Conservation, Solid Waste Management Division, the Planning and Zoning Regulations of the City of Coopertown, TN, the City of Coopertown, the Robertson County Registrar of Deeds, and the Robertson County Times Newspaper.*

1. **Permit Registration Number SNL 74-102-0226 was issued to Browning-Ferris Industries of Tennessee, Inc (BFI) on August 18, 1988** for a sanitary landfill (the Highlands Facility) located on the northern side of State Route 49 approximately 3 miles northeast of the intersection of State Route 49 and I-24, Robertson County, TN.
2. Under Section 13 of the Registration : Duration of Permits – **'This permit shall be effective for the operating life of the facility'**.
3. Under Section 14 of the Registration: Effect of Permit – **The issuance of this permit does not authorize the permittee to injure persons or property or to invade other private rights, or to violate any local law or regulations.**
4. **The ownership of the permit was transferred to the landowners, Custom Land Development (CLD) on July 29, 1994** (Certification of Transfer of Ownership, Tn Department of Environment and Conservation, Division of Solid Waste Management).
5. The **site consists of 406 acres (363 acres designated for solid waste "cells" and facilities)** (former Head property) facing Highway 49 and contiguous the David Lee Property, the Ray Hyde property, the Billy James property, the Carroll Chambliss property, the Jane Head property, the Haywood Hudgins property, the E.F. Elliott property and the Walker property. See map page 4.
6. **A "Cell" equals 10 acres, and is estimated to hold 200 tons of trash per day with an estimated Cell lifetime of 7.5 years.**
7. The landfill is situated **4,000 feet from Coopertown Elementary and Middle Schools** and a **Church as well as 2400 Feet from the Oak Pointe Subdivision.**
8. "The '**Karst**' terrain of the property, characterized by closed depressions (sinkholes), caves and underground drainage, **is highly developed at this location.** The following 'karst' features were observed: the presence of **numerous sinkholes and associated underground drainage**, suggesting a **rapid recharge to the subsurface and high fluctuation of groundwater** after major precipitation events (**heavy rain/snow fall**). **Active sinkhole development and soil collapse is presently occurring. A cave exists on the property adjacent to the proposed development area. Springs are present on site."**
9. In **June of 1996, the Robertson County Zoning Commission** voted to **approve CLD's** request for **re-zoning to permit the landfill operation in Coopertown.** The County spends \$1 million dollars annually to process its trash through the transfer station. **Republic Industries (RI)** was hired by **CLD** to replace **BFI** was to pay \$1/ton host fee to the county for out-of-county trash. Additionally **RI** would transport the County's trash from 7/1 to 11/1/96 or until the landfill opened and provide an on site collection facility for local trash. The **County was to receive a \$2.2 million payment up front.** . "It is the best thing to happen to Robertson County in years" said John Wallace Darden, Chairman of the Solid Waste Committee.
10. On **August 22, 1996**, Robertson County Zoning Commission approves the **Highlands Facility as a legally permitted, non-conforming use.**
11. August 21, 1997 – **CLD** obtains business license for Highlands Landfill Facility.
12. September 4, 1997 – Robertson Co. Planning Commission approved **CLD's** site plan.
13. **December 1, 1997** - - Local property owners **incorporate the City of Coopertown**, which includes the Highlands landfill property.

14. **January 30, 1998 – Coopertown Zoning Ordinance becomes effective**, including Article VI governing non-conforming uses.
15. **June 30, 1998 – The Robertson County Commission** resolution authorizing negotiation of a contract with **RI** to process the County's trash at the **Highlands Facility** expires when **RI** is unable to successfully conclude negotiations with **CLD** to purchase the landfill site.
16. August 31, 2001 – **CLD** signs agreement with **Waste Industries (WI)** replacing **RI** to operate the Highlands Facility. **WI** requested modifications to the site plan.
17. March 5, 2002 – TN Dept. of Environment and Conservation approved the modifications.
18. July 23, 2002 – **CLD** submitted a building permit for a trailer office and scales to Coopertown Planning Commission.
19. September 23, 2002 – Coopertown's **Building Commissioner determined that the landfill was not a legally permitted** nonconforming use on the grounds that the property had not been operated as a landfill within one year of having received a permit in 1996.
20. October 8, 2002 – Coopertown Board of Zoning Appeals conducted a public hearing on the issue and upheld the decision of the Coopertown Building Commissioner.
21. July 7, 2003 – **Robertson County Circuit (Chancery) Court denies** the **CLD petition** to reverse the decision of the Coopertown Board of Zoning Appeals.
22. In 2004, a **Petition to Surrender the Charter of the City of Coopertown** is presented, and a referendum to surrender the Charter is placed on the ballot for voting in the general election. **Billy Pugh**, one of the candidates for Alderman in Ward 2, signed the petition.
23. In November of 2004, the **referendum to surrender the Charter of Coopertown is defeated by 89 votes.**
24. December 12, 2004 - The **State Appellate Court upholds Coopertown's Board of Zoning Appeals decision to prevent** the Highlands Solid Waste Management Facility from operating within the city limits.
25. In December of 2004, the **State Supreme Court refuses to hear the** case of **CLD vs the City of Coopertown, thus settling the current case.**
26. On September 11, 2006, **CLD paid the \$1,000 Maintenance Fee to TN Department of Environment and Conversation to keep current the permit to operate the Highlands Solid Waste Management facility.**
27. **THE ROADWAY INTO THE CLD PROPERTY HAS BEEN MAINTAINED. A SIGN ERECTED BEHIND THE LOCKED GATES IDENTIFIES THE PROPERTY AS “ HIGHLANDS SOLID WASTE MANAGEMENT FACILITY”.**

## **What Do The Facts Mean for YOU?**

First, the payment of the fee keeps current the Permit for the Highlands Solid Waste Facility. That, coupled with the maintenance of the sign and road into the Facility indicates “**Intent**” on the part of the landowner and permit holder, **CLD**, to operate the landfill.

Secondly, **if:**

- the Charter of the City of Coopertown were to be surrendered
- the City were to be declared Bankrupt due to lawsuits
- by any means the City of Coopertown was to be dissolved due to mismanagement

**Robertson County would resume governmental responsibility for the area of Coopertown. The County zoning is in place for the operation of the landfill.**

Third, the impact of increased traffic on Hwy. 49, the only access road to the facility, the odor, blown trash, vermin and carrion birds, despite the 100 foot "buffer zone" of trees, would **significantly impact property values and quality of life experienced by the current and future residents.**

This is an on-going battle, as long as the permit fees are paid and CLD continues its intent to utilize the land for a Landfill!

THE STATE HAS APPROVED THE LANDFILL

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ONLY the CITY OF COOPERTOWN Blocks the Landfill

All residents and registered voters are encouraged to carefully consider their futures as they decide who will represent them in the government of Coopertown. Candidates must be committed to the careful growth, prosperity and well being of the residents and City of Coopertown.

**BE A RESPONSIBLE CITIZEN!**

**PLEASE VOTE AT THE NEXT ELECTION!**

In 2004, 89 votes counted.

Make 2008 the year that Your Vote Counts!