



LOVETT LAW

L. Robert Lovett
Attorney

Phone: 478.476.4500
Fax: 478.476.9090
Email: bob@lovettlawgroup.com

September 16, 2019

Via Certified Mail & First-Class Mail

Screven County, Georgia
Mr. Rick Jordan, County Manager
Mr. Randy Hagan, Zoning Administrator

Screven County Board of Commissioners
Mr. Will Boyd, Chairman
Mr. J.C. Warren, Vice-Chairman
Mr. Edwin Lovett, Commissioner
Ms. Rosa Romeo, Commissioner
Mr. Mike Dixon, Commissioner
Mr. Michael McBride, Commissioner
Mr. John Triplett, Commissioner

Screven County Administrative Building
216 Mims Road
Sylvania, Georgia 30467



Certified Mail Receipt: 7017 0530 0000 8740

Re: Atlantic Waste Services, Inc.

Dear Screven County, Georgia:

As you know, I represent Atlantic Waste Services, Inc. My client filed an Application for a Conditional Use Permit (Application) to operate a landfill on July 9, 2019. The landfill is to be located on two parcels identified as Parcel No. 087 001 containing 754.8 acres and Parcel No. 087 002 containing 231.5 acres on Lewis D. Newton Road, Sylvania, Georgia 30467. The location of the property is more particularly identified as being approximately 9.3 miles south of Sylvania, 4.8 miles West of Newington and 4.5 miles Northwest of Oliver in the Application (herein referred to as the "Property"). After doing a considerable amount of due diligence on the suitability of the property to site and operate a landfill, which included a review of your existing land use ordinances and your 2008-2018 Joint Solid Waste Management Plan (herein referred to as "the Solid Waste Management Plan"), my client has entered in to a contract to purchase the subject Property for

valuable consideration and paid an Earnest Money payment to the Seller. Subsequently, Atlantic has spent over Three Hundred Thousand dollars (\$300,000.00) on environmental engineers, geologist, hydrologist and hydrogeologist to make certain that the site is suitable for the operation of a municipal solid waste landfill permitted by the Georgia Environmental Protection Division ("EPD"). My client has also obtained a wetlands delineation study in order to determine if there are jurisdictional wetlands on the Property. The wetland delineation indicated that there are no jurisdictional wetlands which would be impacted by the project and require a Section 404 Permit. My client continues to expend considerable amounts of money in reliance of the laws that existed within The Code of Ordinances for Screven County, Georgia, the 2008-2028 Comprehensive Land Development Plan for Screven County, and the Joint Solid Waste Management Plan, existing at the time of filing its Application for Conditional Use Permit. Therefore, Atlantic Waste Services, Inc., has a vested right to have the planning and zoning laws in existence at the time of its Application to be applied in the process of your decision on the Application.

This Application has now been pending for over sixty (60) days and my client has not been given the opportunity to appear before the Planning and Zoning Commission or the Screven County Board of Commissioners to support the grant of the Conditional Use Permit. The purpose of this letter is to request that you immediately initiate the procedure for consideration of the Application for Conditional Use.

Additionally, pursuant to the Code of Screven County, Georgia, Section 412-Development of Regional Impact (DRI), Atlantic Waste Services, Inc. is requesting that the County initiate the determination of whether the proposed landfill meets or exceeds the threshold identified in the Department of Community Affairs Procedures and Guidelines for the review of developments regional impact (DRI), for the purpose of determination of the necessity for the intergovernmental review process. As I am sure you know, the county is allowed the maximum thirty (30) days to complete the review process for large development projects that are likely to create an impact in other local jurisdictions. The county should have initiated this procedure for intergovernmental review within thirty days of the filing of Atlantic Waste Services' Application for Conditional Use permit. Therefore, please provide written verification that the county has initiated the procedure for intergovernmental review for the proposed landfill or whether the county has determined that it does not constitute a development of regional impact (DRI).

My client met with Mr. Rick Jordan, County Administrator, Mr. Randy Hagan, Planning and Zoning Administrator, and has met with or talked to all of the county commissioners beginning in March of this year and continuing through the date of this letter. The County knew that Atlantic Waste Services, Inc intended to site a municipal solid waste landfill on the Property. Based on the assurances of County officials, agents and employees, and the county's laws, plans and policies in existence as of the date of the Application, my client contracted to purchase the Property, and has expended considerable capital to conduct engineering, geological and hydrogeological studies to determine whether the site was suitable for disposing of municipal solid waste according to the criteria provided by the Georgia Department of Natural Resources Environmental Protection Division and the Zoning Ordinance of Screven County. Therefore, please certify that the 2008-2018 Joint Screven County Solid Waste Management Plan had expired as of the date of

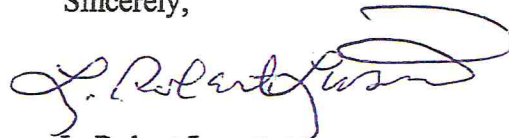
Application. Or in the alternative, confirm that the proposed municipal solid waste landfill is consistent with the county's existing solid waste management plan as of July 9, 2019.

Therefore, Atlantic Waste Services, Inc. has accrued a vested right to rely on the law that existed at the date of filing its Application for Conditional Use Permit. Please confirm in writing by certification that my client is authorized to operate a solid waste disposal facility (landfill) subject to the approval of its application of Conditional Use in the district AG-3 AGRICULTURAL AND RESIDENTIAL, Article 7, Section 703(B) based on the zoning ordinance of Screven County, Georgia, Appendix – ZONING to the Code of Screven County, Georgia, and the grant of a permit to operate a solid waste disposal system by the Director of the Georgian Environmental Protection Division.

Finally, please provide me with a complete copy of the Screven County Charter and the Zoning Ordinance of Screven County, Georgia, certified by the custodian of records and laws for Screven County, Georgia, and proof that the County complied with all the requirements for the adoption of the zoning ordinances pursuant to the Zoning Procedures Act, O.C.G.A. § 36-66-1, et. seq. Please advise of any cost incurred in so providing these documents and letters of certification and I will gladly pay for appropriate costs.

If you have any further questions or comments or concerns, please contact me.

Sincerely,



L. Robert Lovett

Cc: Ms. Lori Boulineau, Screven County Clerk
recept@planters.net

Mr. Burke Wall, Atlantic Waste Services, LLC
Mr. Ben Wall, Atlantic Waste Services, LLC

Bcc: Steve Harbin, PE
Michael Biers, PE