

PETTIS COUNTY LANDFILL PROPOSAL
CITIZENS OF PETTIS COUNTY—THIS NEEDS OUR ATTENTION!!!

- I. The **Pettis County Commission** is rushing the county into an agreement with the ambiguously named **Pettis County Development Corporation (PCDC)** to allow a new landfill to open in western Pettis County, near Dresden. A draft of a **county ordinance** governing the development and a draft of a **Host Agreement** with PCDC are very recently made available for public viewing online and in the Pettis County Courthouse. The County Commissioners are scheduled to vote the proposal into effect on **FEBRUARY 17th**. This will commit Pettis County to an agreement over which **we will have little control going forth** and which has the potential to create **serious environmental damage** to our county while severely limiting our ability to recover damages or to alter the agreement in the future.
- II. These are the most serious **give-aways** regarding the county's proposed agreement with PCDC.

A. First of all, the **Host Agreement** overrides the proposed County Ordinance, so there is no point in considering the ordinance if the Host Agreement is approved.

B. THIS AGREEMENT CONTAINS A BINDING ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.

This appears at the very end of the **Host Agreement** with no explanation as to what it means. It means that if something should go wrong, for example:

1. the local water supply becomes contaminated by toxins seeping into the groundwater from waste materials, or
2. waste escapes from transport to the landfill or escapes the landfill itself to the extent that the litter and odor pollutes nearby properties or public roadways, or
3. an underground fire that can't be extinguished develops, as has occurred in a solid waste landfill in St. Charles, MO

PETTIS COUNTY WOULD BE PROHIBITED FROM HIRING ATTORNEYS TO REPRESENT US IN SEEKING DAMAGES OR ALTERATIONS TO THE ONGOING AGREEMENT WITH PCDC! We would be required to passively accept whatever decision would be made by PCDC's in-house arbitration body or a decision made by person(s) representing primarily the interests of PCDC. **WE SHOULD NEVER AGREE TO A BINDING ARBITRATION PROVISION!**

- C. The **Host Agreement** requires PCDC to **keep records** for only **2 years**. Two years is an eye-blink in legal processes. If PCDC should commit violations, their records will be destroyed before we realize we have a problem, before we can recognize the seriousness of the problem, and certainly before we can put together a case to address the problem with PCDC. If we agree to a **Binding Arbitration Provision**, we won't be able to do this at all! Such records would identify the types of waste accepted at the landfill, how they were handled, etc. **They would also contain all citizen complaints against the landfill. This would make it impossible to prosecute a class action lawsuit against PCDC violations. PCDC SHOULD BE REQUIRED TO HOLD AND MAINTAIN THEIR RECORDS FOR AT LEAST 10 YEARS!**
- D. PCDC guarantees the county a \$2,000 per year Host Fee, then will pay the county \$1.50 per ton of waste taken into the landfill. Pettis County is prohibited from raising the fee to account for inflation or expansion of the site and the county cannot assess additional fees or charges, including higher fees for "special waste," such as asbestos (named in the Host Agreement) and other industrial wastes not named in the agreement. In a decade or more, this may seem like a very small fee for the incursion into our county, but we will be prohibited from re-negotiating it.
- E. The Host Agreement states that "Hazardous Waste" as defined by government agencies will not be accepted, but "Special Waste" requiring "special handling" will be accepted. The Agreement does state that Special Wastes will be accepted and handled according to "**. . . PCDC's sole and absolute discretion. For purposes of this definition, Special Waste shall include, without limitation, sludges, asbestos, powders, ashes and other manufacturing or industrial by-products.**"
- F. PCDC claims it will following an Operating Plan in managing waste, but that plan is not available to county citizens for viewing. And a **Binding Arbitration Clause** will prohibit us from requesting changes to the Operating Plan that would benefit and protect Pettis County citizens and property.

- G. **PETTIS COUNTY CAN'T EFFECTIVELY CONTEST EXPANSION OF THE LANDFILL!** While the initial acreage dedicated to the landfill may appear to be relatively modest, the **Host Agreement prohibits Pettis County from denying any "reasonable request" for expansion.** The Pettis County Commission has denied informing citizens of the proposed extent, both current and future, of the landfill, leaving this important information to speculation and rumor. Those pages of the proposed Host Agreement are left blank.
- H. Finally, the Host Agreement protects the County Commissioners who will vote to approve this agreement. Should the citizens of Pettis County at some point find that the terms awarded to PCDC by the Commissioners are threatening their health, safety, property values, etc., we cannot bring suit against them.

AT THE VERY LEAST, WE NEED TO SLOW THE PROCESS OF APPROVAL FOR THIS ARRANGEMENT WITH PCDC. WE NEED TO ENCOURAGE MORE OPPORTUNITIES FOR EXAMINATION AND DISCUSSION OF THE AGREEMENT, PERHAPS WITH LEGAL COUNSEL. WE ALSO NEED ORGANIZED, THOUGHTFUL DISCUSSION WITH THE COUNTY COMMISSIONERS BEFORE WE ALLOW THEM TO COMMIT US ALL TO A LONG-TERM AGREEMENT WHICH MAY NEGATIVELY AFFECT OUR HEALTH, SAFETY, AND COUNTY RESOURCES.

**PLEASE CONTACT OUR ELECTED COUNTY COMMISSIONERS:
DAVID DICK JIM MARCUM ISRAEL BAEZA**

PETTIS COUNTY COURTHOUSE 2ND FLOOR

CALL THE COURTHOUSE #826-5000 AND FOLLOW THE PROMPTS

ASK THE COMMISSIONERS TO PROVIDE AT LEAST TWO ADDITIONAL MONTHS DURING WHICH WE CAN MEET TO DISCUSS THIS PROPOSAL BEFORE THEY VOTE TO ENACT IT.

Pettis County Landfill Proposal

We have finally found out why the Pettis County Commission has been dragging their feet for months and being so secretive about writing an ordinance to protect the county from a newly proposed landfill. They were waiting for the company, Pettis County Development Corporation (which is not based in Pettis County nor does it develop the county), to provide them with a “host agreement” written by their lawyers that will let them legally bypass any ordinance to effectively do pretty much what they want.

If passed, the County Commission cannot disapprove of any “reasonable request” to enlarge the landfill. It may start with 40 acres with options to buy 600 acres, but could “reasonably” be 2000 acres in 20 years.

The county has to agree to use arbitration to settle any dispute or problem. This protects the landfill from lawsuits but gives the citizens little recourse. The county or its residents cannot sue the landfill or any trucks or companies that haul to the landfill for damages.

So after eight months the Pettis County Commission lets us know why they support the landfill, the county will get \$1.00 for every ton of solid waste brought to the landfill. But even here the Commission fails to protect the county. In 10, 20, or 30 years the charge to dump solid waste will double or triple but the county still gets \$1.00 per ton. Why is it not tied to inflation or a percentage of the charge per ton? The host proposal is presented by the County Commission to the Pettis County citizens exactly as the landfill company wrote the “host agreement” with all of its protections for PCDC unchanged.

I know who pays the Pettis County Commission their salaries but are they representing the county or the landfill? They do nothing about an ordinance to protect the county for eight months and then when the landfill company gives them the “host agreement” to legally get around any ordinance, suddenly we have 20 days to view it on line or at the court house and then the Commission votes on it, allowing no public meetings or inputs except in writing. I call the “host agreement” the “Hail Mary” of agreements. The proposed landfill puts everything PCDC could possibly want to see if the Commission goes for it. How do you think they will vote? They made their minds up 8 months ago.

Larry Claycomb

