

TN#009280491



MEMPHIS AND SHELBY COUNTY HEALTH DEPARTMENT

YVONNE S. MADLOCK
DIRECTOR

HELEN G. MORROW, M.D., MPA
ACTING HEALTH OFFICER



DR. WILLIE W. HERENTON
CITY OF MEMPHIS
MAYOR

A. C. WHARTON, JR.
SHELBY COUNTY
MAYOR

February 24, 2006

Robert L. Spence, Jr.
Attorney at Law
Suite 2200
One Commerce Square
Memphis, TN 38103

Dear Robert:

I have received your letter regarding the requested permit extension for the RACE LLC incinerator. In reading the City Council's resolution regarding the Zoning Resolution Special Use Permit 05-207 and the site plan conditions which are incorporated in the application, Condition 2, states:

"A three (3) year moratorium is in effect during which time RACE may not apply for any incinerator permit from the local government. At the end of the three year period, prior to submitting an application for an incinerator permit, RACE will contact Memphis Truth, Sierra Club and other interested parties."

Despite our previous conversation concerning whether the resolution intends something different, and your letter indicating that RACE LLC will not place the incinerator in operation, it is my opinion that the Health Department cannot issue your client the permit extension. This literal construction of the resolution focuses on the language, "any incinerator permit from the local government", and further, the condition compels your client to contact at least two community interest groups prior to submitting another application for an incinerator permit. Those limitations specifically relate to the Health Department as a part of local government and to the inference that the interested community groups have not been informed of the application.

When the Memphis City Council favorably reviews this matter for your client, the Health Department will expedite review of your permit application. We appreciate your understanding in this matter.

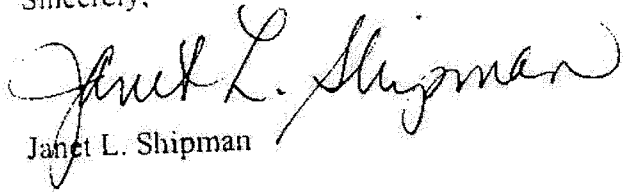
Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 JEFFERSON AVENUE • MEMPHIS, TENNESSEE 38105
PHONE 901-544-7600

Please contact me when any change occurs, and I look forward to working in cooperation with your client and the City Council in the future.

Sincerely,



Janet L. Shipman

JLS/cdp

Cc: John Fowlkes
Yvonne S. Madlock
Norman LaChapelle
Bob Rogers
Thomas Kalinowski