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January 2, 2020

DELIVERED IN PERSON

Screven County Board of Commissioners
c/o Will Boyd, chairman
Screven County Planning Board
c/o Randy Hagan
216 Mims Road
Sylvania, GA 30467
E-mail: commissionerdistrict04@gmail.com

Re: Proposed Landfill Consistency with Screven County's Solid Waste Management Plan

Dear Commissioners and Planning Board Members:

Commissioners should decline to write AWS the letter confirming geotechnical suitability and compliance with Screven County Solid Waste Management Plan ("SWMP") it seeks because AWS has not demonstrated either compliance with the SWMP or that the site is geotechnically suitable. Section 703(B)(12) of Screven County Zoning Ordinances requires that any proposed landfill comply with the Georgia Solid Waste Management Act ("Act"), the SWMP, and that the site be geotechnically suitable. In exploring this further, we first discuss the Act, and then address the application's inconsistency with the SWMP, and AWS's unfounded assertions of geotechnical suitability.

- a. The massive, regional landfill is not in keeping with the health, safety, and environmental aims included in the Georgia Comprehensive Solid Waste Management Act.**

In relevant part, the Georgia Comprehensive Solid Waste Management Act says:

It is declared to be the policy of the State of Georgia, in furtherance of its responsibility **to protect the public health, safety, and well-being of its citizens and to protect and enhance the quality of its environment**, to institute and maintain a comprehensive state-wide program for solid waste management and to prevent and abate litter, so as to **assure that solid waste does not adversely affect the health, safety, and well-being of the public and that solid waste facilities, whether publicly or privately owned, do not degrade the quality of the environment** by reason of their location, design,

method of operation, or other means and which, to the extent feasible and practical, makes maximum utilization of the resources contained in solid waste.

O.C.G.A. § 12-8-21 (emphasis added).

This massive, regional landfill is not protective of public health, safety, or the environment for ecological reasons that go beyond the scope of this public hearing meeting.

b. AWS's proposed conditional use is inconsistent with the SWMP.

AWS's application does not demonstrate consistency with the SWMP because the proposed landfill does not meet the goals identified in the SWMP, the proposed use is inconsistent with Screven County ordinances, and AWS has failed to conduct an adequate site-specific investigation capable of determining whether the site is geotechnical suitable.

The Screven County Solid Waste Management Plan ("SWMP" or "Plan") was adopted for the 2008-2018 period. That Plan outlines requirements and goals for solid waste management in Screven County. Section 6 of the SWMP, the land limitation element, says that any site selected for a landfill (1) "should not diminish the overall quality of life for residents in a community" and (2) "should also have a minimal impact on the natural environment."

Under section 6.3 of the SWMP, "[a]t least 120 days prior to filing for a solid waste handling permit" the applicant must submit a written statement that addresses the following:

1. How the proposed facility or facility expansion **will meet the specific goals and/or needs identified in the SWMP**, including a description of:
 - a. The impact upon the collection capability within the planning area;
 - b. The impact upon disposal capacity identified in the planning area; and
 - c. The impact to the waste reduction and recycling efforts within the planning area, specifically how the proposed facility or facility expansion will **further progress toward waste reduction**.
2. How the proposed facility or facility expansion and its operation will impact the community. Specifically, what will be:
 - a. The **impact to vehicle traffic and public safety** around the proposed facility and throughout the planning area;
 - b. The impact on natural or cultural resources within the planning area;
 - c. The impact to individual and business solid waste management rates; and
 - d. The impact on the current solid waste management infrastructure with the planning area, both public and private.
3. The impact to the financial viability of the existing solid waste management system within the planning area.
4. Evidence that the proposed facility or facility expansion is **sited in an area deemed suitable** according to the criteria listed in the Plan.

5. Evidence that the proposed facility or facility expansion is sited in a location that is **consistent with local zoning ordinances**.
6. Evidence that the proper public notification was given, including notification of all adjacent property owners.

§ 6.3 of the SWMP. The goal associated with land limitations and procedures of the SWMP is to “[e]nsure that any development of solid waste handling facilities and facility expansions satisfy the needs of the Screven County planning area, is consistent with this SWMP and with the ordinances of Screven County, the Towns of Hiltonia, Newington, and Rocky Ford, and the Cities of Oliver and Sylvania, is compatible with surrounding land uses, and meets all relevant Federal, State and local requirements.” § 6.5.

Regarding the suitability of the site, the SWMP requires consideration of impacts to natural resources and compatibility with existing zoning and related policies, including impacts to and compatibility with the following:

- Floodplains,
- Wetlands,
- Carolina Bays
- Significant groundwater recharge areas,
- River corridors,
- Zoning restrictions, and
- Proximity to airports.

§§ 6.1, 6.2, 6.4. To determine suitability, “any proposed siting of a landfill would require site-specific field investigation[.]”

First, siting a massive, regional landfill at the proposed site is not consistent with Screven County Ordinances. Additionally, the proposed landfill does not further the goals of the SWMP because there is no *need* for the project for waste management or disposal in the region.

Next, the proposed landfill is inconsistent with the SWMP in that it is not adequately protective of the resources the SWMP specifically designates as important. For instance, AWS has not conclusively demonstrated that it will not affect the wetlands, Carolina Bays, or ponds on or surrounding the property or that it will be protective of groundwater resources. AWS has also failed to conclusively demonstrate the pond on the property is not a Carolina Bay and has not addressed the fact that there are dozens of Carolina Bays surrounding the property. Additionally, while the area may not be a designated “significant groundwater recharge area” as defined by Georgia law, that does not mean it is not a recharge area of significance to the local watershed, which feeds into the Ogeechee river. AWS has failed to conclusively demonstrate that its landfill would be even minimally protective of these resources.

Further, AWS promises that it will improve and maintain Louie D. Newton Road and Georgia Highway 17. It further assures that the nearly 60 trucks a day one way will not be out of line with GDOT future projections for the applicable roads. Currently, approximately 250 to 379 trucks drive the SR 17 corridor adjacent to the proposed site. Even assuming AWS’s trucks only

go one way, that is somewhere between a 15 and 24 percent increase in truck traffic. Further, AWS does not indicate how it will attain the authority from property owners adjacent to the more than 4000 feet of Louie D. Newton road that it proposes to improve. In other words, AWS will need easements from each property owner, which it completely failed to address or contemplate. AWS also failed to address the impact 60 to 120 trucks will have on day-to-day activities of the area, such as school bus pickups and drop-offs or traffic impacts.

Also, AWS claims in its application that the site is 3.3 miles from Plantation Airpark. In the information it gave to the Coastal Regional Commission, however, AWS admits that the property line is only 2.6 miles, or 13,757 feet from the airport. *See* Exhibit I. In 2000, President Bill Clinton enacted restrictions for landfill development within 6 miles of small airports due to the danger birds attracted to landfills pose for small aircrafts. *See* Ed Repa, *New Law Prohibits Landfills Near Airports*, Waste 360 (May 2000). This prohibition applies to small airports that have received federal grants and is “primarily served by general aviation aircraft and regularly scheduled flights of aircraft designated for 60 passengers or less.” *See* 49 U.S.C. § 44718(d)(1). AWS contends that this restriction does not currently apply to the Plantation Airpark. However, allowing AWS to construct their landfill at the proposed site would severely limit any potential for growth at the existing airport. In effect, if you, the Commissioners allow the development of this landfill, it will prevent and preclude any future growth or desirable change in use at the existing airport.

Finally, AWS failed to demonstrate that the site is geotechnically suitable. To attempt to assure you that it satisfies the requirements, AWS points to preliminary reports memorializing initial studies done on the property. But as those letters repeatedly emphasize as demonstrated by the following list, they are limited in scope and further studies would be required to offer any real assurances. Further, those studies are based largely on generalized regional analysis rather than site specific evaluations. As for geotechnical suitability, Innovative Engineering Strategies, LLC (IES), who performed preliminary inspections of the site, made clear that any opinion was not conclusive: “Based upon this **initial and limited assessment**, the upland areas of the Green Meadows Dairy Farm site are geotechnically suitable for a solid waste landfill . . .”

Similarly, regarding groundwater pollution potential, IES repeatedly indicated that the studies were preliminary, inconclusive, and incomplete:

- “The following pages of this letter include a description of the unconfined aquifer, confined aquifer, potential of unconfined and confined aquifers as sources of drinking water and a **limited pathway analysis regarding our preliminary understanding** of site-specific hydrogeology and well construction of potential receptors.”
- “Based upon this **initial and limited assessment**, it is extremely unlikely a Subtitle D municipal solid waste (MSW) landfill, required to be designed and constructed in accordance with state and federal requirements (a “modern landfill”), will contaminate the groundwater in the Upper Floridian Aquifer, where nearby agricultural and drinking water wells are **assumed** to be constructed.”

- “Figure 7 illustrates the **assumed direction of groundwater flow** in the unconfined aquifer from **the conceptual landfill footprint.**”
- “This direction of groundwater flow is **assumed to be consistent with ground surface topography . . .**”
- “. . . the depth to the top of the Upper Floridan Aquifer **in the vicinity** of the proposed site **is estimated** between 180 and 250 feet below ground surface . . . The depth to the first permeable zone in the Upper Floridan Aquifer **in the vicinity** of the proposed site **is estimated** between 200 and 270 ft bgs . . .”
- “The purpose of this section, **using limited information, is to preliminarily** evaluate how leachate **might percolate** downward from the waste burial areas to the water table and then migrate offsite to potential human receptors.”
- “. . . **preliminary calculation.**”
- “The **estimated** maximum and average horizontal hydraulic conductivity in surficial soils calculated from the . . .”
- “Therefore, **for preliminary purposes only** and using Darcy’s Law equation above, **the estimated** maximum and average linear velocities are calculated to be .58 and .05 feet/day.”
- “As stated earlier, a **more detailed and thorough analyses** will be required by Georgia EPD during . . .”
- “This **initial and preliminary calculation** was performed **using limited information and therefore is subject to change as more data is collected at the site.**”
- “**As part of the EPD-required Site Assessment Report**, sorptive capacity (cation exchange capacity) **will be measured . . .**”
- “The overall pollution potential for the landfill **was estimated . . .**”
- “Based upon **initial and limited information available**, the subsurface conditions at the Green Meadows Dairy Farm site are favorable for natural attenuation to occur.”
- “These **assumed** groundwater flow directions **generally** follow the natural topography. . .”
- “Based upon the **limited** hydraulic conductivity data . . .”
- “This **preliminary estimate is not an adequate measure** of travel time to potential receptors and should not be used for mitigation . . .”
- “**More information is needed from a more-detailed site investigation** required by Georgia EPD prior to issuance of site limitations.”
- “Based on the **preliminary information presented** in this IES letter . . . there are no geologic and/or natural hazards in the site area which would warrant special mitigation or design criteria . . .”
- “Therefore, based upon this **initial and limited assessment . . .**”

Before making a decision that will impact the health of the community for effectively forever, Commissioners should demand more than an “initial and limited assessment” based largely on generalized regional analysis and assumptions. At a minimum, as required by the SWMP, further site-specific investigation would need to be done to determine whether the site is

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suitable for the proposed use. AWS seeks to obtain a letter from the Commissioners indicating that the site is suitable before it fully analyzes the site or determines that it is, in fact, suitable; the Commissioners must, therefore, deny that request.

All told, we ask that you decline to write AWS the letter it seeks because it fails to demonstrate compliance with the SWMP and has not shown that the site is geotechnically suitable.

Thank you for your service and your time and attention to this important matter. If you have any questions, please do not hesitate to contact me at (404) 525-9205.

Sincerely yours,

/s/ Donald D.J. Stack

Donald D.J. Stack