

ENVIRONMENTAL PROTECTION DIVISION
PUBLIC NOTICE
WATERSHED PROTECTION BRANCH

January 16, 2026
Notice Issue Date

Fairburn / Fulton
City / County

February 16, 2026
Notice Close Date

BV-060-25-23
Control Number

RaceTrac Fairburn Industrial
(GPS Coordinates: 33.5531, -84.5879)

Activity

This notice is issued to inform the public of a receipt of an application for a variance submitted pursuant to a state environmental Law. The public is invited to comment during the 30-day period on the proposed activity. Site plans are available for review and are located in the following EPD office: Watershed Protection Branch File Room, 2 MLK Jr. Drive, SW, West Tower, Balcony, Suite 418, Atlanta, GA 30334. Please contact GORArequest.Water@dnr.ga.gov to schedule an appointment to review the plans. Since the EPD has no authority to zone property or determine land use, only those comments addressing environmental issues related to air, water, and land protection will be considered in the application review process. Comments may be submitted via e-mail to: EPDcomments@dnr.ga.gov. Comments may also be provided in writing to: Program Manager, Nonpoint Source Program, Erosion and Sedimentation Control, 2 Martin Luther King Jr. Drive SW, Suite 1452 East, Atlanta, GA 30334. The words "Buffer Variance Comment", including the Control Number shown above, should be placed in the e-mail subject line (if sent via e-mail) or on the top of the first page of written comments to ensure that your comments will be forwarded to the appropriate staff.

Type of Permit Application: Variance to encroach within the 25-foot State waters buffer.

Applicable Law: Georgia Erosion and Sedimentation Act O.C.G.A. § 12-7-1 et seq.

Applicable Rules: Erosion and Sedimentation Control Chapter 391-3-7

Basis under which variance shall be considered {391-3-7-.05 (2)(a-k)}: (h)

Description and Location of Proposed Activity:

The proposed project involves buffer encroachments necessary for grading activities and ingress/egress features associated with the construction of a roadway drainage structure. Disturbance of the buffer is necessary in order to align site access from Howell Avenue with an existing entrance roadway as required by the Georgia Department of Transportation and the City of Fairburn. A Buffer Mitigation Plan and erosion control measures will be implemented to address major impacts. The proposed project will result in 204 total linear feet (11,151.36 total square feet) of non-exempt buffer disturbance lasting approximately 8 months. The project is located on an unnamed tributary to Trickum Creek of the Upper Flint Watershed (03130005).

Name and Address of Permit Applicant: Kirk Ellis
RaceTrac, Inc.
200 Galleria Parkway SE
Suite 900
Atlanta, Georgia 30339

Summary of Rules Requirements for Variance Application:

The application for a variance must include an Erosion and Sediment Control Plan with control measures based on sound conservation and engineering practices which meet or exceed the standards in the "Manual for Erosion and Sediment Control in Georgia" and which will minimize erosion and deposition of sediments on adjacent lands or into State waters.

For Additional Information Contact: Samantha DeLucca
Environmental Compliance Specialist
EPD Watershed Protection Branch
Nonpoint Source Program
2 Martin Luther King Jr. Drive SW, Suite 1462 East
Atlanta, GA 30334
Telephone: (470) 684-0095