

**Permit Application Guidance for Administrative and
Public Participation Requirements**

for

**New Municipal Solid Waste Disposal Facilities
(MSWDF) or Horizontal Expansions**

TBD 2022

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INTRODUCTION

O.C.G.A. § 12-8-24(a) of the Georgia Comprehensive Solid Waste Management Act (Act) and Rule 391-3-4-.02 of the Rules for Solid Waste Management (Rules) both require that any person seeking to engage in solid waste handling or to construct or operate a solid waste handling facility first obtain a permit from the Director of the Georgia Environmental Protection Division (EPD) authorizing such activity. The solid waste permitting process includes compliance with technical design, construction, and operating conditions, administrative requirements, and public participation requirements. Solid waste handling permits are reviewed by EPD every 5-years in accordance with Rule 391-3-4-.02(1)(c).

O.C.G.A. § 12-8-23(1)(B) authorizes the Board of Natural Resources to adopt rules and regulations prescribing the procedures to be followed in applying for solid waste handling permits and requiring the submission of pertinent information deemed relevant in connection with the issuance of such permits.

This guidance clarifies the administrative and public participation requirements as part of the solid waste handling permitting process for a new municipal solid waste disposal facility (MSWDF) or permit modification for a horizontal expansion of an existing MSWDF. The process for permitting can be lengthy and involves multiple opportunities for public input, with several required public notices and public meetings/hearings. There are also steps that require documentation from the Host and Contributing Local Governments (as applicable). EPD developed this guidance document to standardize compliance demonstrations and clarify the permitting process, and to inform both the public and potential applicants about the required steps and documentation. To further assist applicants and the public, templates for the required letters, resolutions, and public notices are included

The seven steps of permitting process for a new MSWDF or horizontal expansion of an existing MSWDF are:

1. Step One: Pre-Permit Application Preparation
2. Step Two: Permit Application Submission
3. Step Three: Public Notification and EPD Site Assessment Report (SAR) Review
4. Step Four: Facility Issues Negotiation Process or Local Government Notification of No Petition
5. Step Five: Documentation Collection
6. Step Six: Final Documentation Submission
7. Step Seven: Final Public Hearing

DEFINITIONS

The following defined terms are used throughout this guidance.

Applicant – The Applicant is the entity (private or public) applying for a solid waste handling permit. In some cases, the Applicant may also be the Host Local Government.

Contributing Local Government – The Contributing Local Government is any local government or jurisdiction within whose boundaries municipal solid waste is generated that is destined for the proposed MSWDF or horizontal expansion of an existing MSWDF.

Governing Authority – The Governing Authority of a county is the “County governing authority” defined in O.C.G.A. §§ 36-5-24(a)(1) and 1-3-3(7) and the Governing Authority of a municipality is the city council, the sole city council member, the mayor, or other officer or entity empowered to exercise the powers and duties conferred by the municipality’s charter to make determinations regarding local zoning and/or land use ordinances and to adopt by local ordinance or resolution a solid waste management plan.

Host Local Government – The Host Local Government is the host jurisdiction described in O.C.G.A. § 12-8-24(g) and is the county or other local governmental jurisdiction or region within whose boundaries the proposed MSWDF or horizontal expansion of an existing MSWDF will be located. The Host Local Government may also be the Applicant. It is important to note that there are certain actions that only the Host Local Government may complete.

Newspaper of General Circulation – Newspaper of general circulation means a newspaper printed in the language most commonly spoken in the area within which it circulates, and that is readily available for all inhabitants in the area of circulation.

Responsible Official (RO) – The responsible official (RO) is a designee of the Applicant responsible for submitting the required permit documentation. Examples include but are not limited to the principal or chief executive officer.

ADMINISTRATIVE AND PUBLIC PARTICIPATION REQUIREMENTS

Step One: Pre-Permit Application Preparation

Prior to applying for a solid waste handling permit (permit), the Applicant is required to complete the following pre-permit application requirements:

1.1 Applicant publishes Public Notice #1: Waste Management Needs Meeting

If the facility is a private municipal solid waste disposal facility, the Applicant is exempt from the requirements of holding Public Meeting #1: Waste Management Needs Meeting and may proceed to Step 1.2.

For public MSWDF's the Applicant must hold at least one public meeting to discuss the waste management needs of the Host Local Government and to describe the process of siting facilities to the public (Public Meeting #1: Waste Management Needs Meeting). The intent of this meeting is to engage affected residents and landowners in information sharing and discussion about waste management needs and siting requirements. This meeting is a starting point for further public engagement and involvement.

The Applicant must publish notice (Public Notice #1: Waste Management Needs Meeting) of the meeting in a newspaper of general circulation serving the county or municipality of the Host Local Government at least once a week for the two weeks immediately preceding the meeting date.

If the proposed MSWDF or horizontal expansion of an existing MSWDF will serve a regional solid waste management authority, the Applicant must hold at least one meeting within each jurisdiction participating in the authority and notice for these meetings must be published in a newspaper of general circulation serving each such jurisdiction at least once a week for the two weeks immediately preceding the meeting date.

A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package (See Step 2.4). Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

See Appendix 1, Public Notice #1: Waste Management Needs Meeting for an example.

Ref: O.C.G.A. § 12-8-26(a); Rule 391-3-4-.03(1)

1.2 Applicant identifies a potential site for the proposed MSWDF or horizontal expansion of an existing MSWDF

In accordance with O.C.G.A. § 12-8-20, Rule 391-3-4, and "Criteria for Performing Site Acceptability Studies for Solid Waste Landfills in Georgia" Circular 14, certain siting criteria must be met for a proposed MSWDF or horizontal expansion of an existing MSWDF. In evaluating potential sites, the Applicant should consider that there are some requirements that are not eligible for a variance. EPD recommends that this group of "fatal flaw" criteria be evaluated prior to completing the wetlands evaluation and exhaustive hydrogeologic investigation required by Rules 391-3-4-.05(1)(e) and (1)(j), respectively and Circular 14. EPD will not issue a permit unless all of the following conditions are satisfied.

- a. Compliance with local zoning and/or land use ordinances, and consistency with solid waste management plan

The proposed MSWDF or horizontal expansion of an existing MSWDF must comply with all local zoning and/or land use ordinances and must be consistent with the local solid waste management plan. Documentation must be submitted to EPD by the Applicant at the time of application submittal demonstrating that the proposed MSWDF or horizontal expansion of an existing MSWDF complies with these criteria (See Step 2.4). The requirements for this documentation are outlined in Step 1.4.

Ref: O.C.G.A. § 12-8-24(g); Rule 391-3-4-.05(1)(a)

- b. Compliance with rules for safe drinking water and wellfield protection

The Rules for Safe Drinking Water (Rule 391-3-5-.40) specify a wellhead protection area around wells and springs used as a water supply for community public water systems serving municipalities, counties, and authorities to protect them from potential pollution sources. The wellhead protection area consists of a control zone and an inner and outer management zone. In accordance with Rule 391-3-5-.40(8), EPD will not issue any new permits for a proposed MSW Landfill or horizontal expansion of an existing MSW Landfill that is within the inner or outer management zone of an established wellhead protection area of existing wells and springs.

Ref: O.C.G.A. § 12-5-120; 12-5-170; 12-5-470; Rule 391-3-5-.40

- c. Proximity to a national historic site

In accordance with O.C.G.A. § 12-8-25.1, EPD will not issue a permit for a proposed MSWDF or horizontal expansion of an existing MSWDF that is located within 5,708 yards of any of three sites currently designated in Georgia as a National Historic Site. These historic sites are:

- i. Andersonville National Historic Site
- ii. Jimmy Carter National Historic Site
- iii. Martin Luther King, Jr. National Historic Site

Ref: O.C.G.A. § 12-8-25.1

d. Proximity to a designated significant groundwater recharge area

EPD will not issue a permit for a proposed MSW Landfill or a horizontal expansion of an existing MSW Landfill which accepts waste generated from outside the county of the Host Local Government nor for a proposed regional MSW Landfill or horizontal expansion of an existing regional MSW Landfill which accepts municipal solid waste generated outside the counties constituting the region if any part of the facility is in an area designated as a Most Significant Groundwater Recharge Area.

A Most Significant Groundwater Recharge Area is identified in Hydrologic Atlas 18. The Hydrologic Atlas 18 can be found online:

https://epd.georgia.gov/sites/epd.georgia.gov/files/related_files/site_page/HA-18.pdf

Locations served by local or regional MSWDF or horizontal expansions of existing MSWDFs are those identified in the application.

Ref: O.C.G.A 12-8-25.3(a) and(b); Rule 391-3-4-.05(1)(i)

e. Proximity to a federally restricted air space used as a bombing range

In accordance with O.C.G.A § 12-8-25.3(d), EPD will not issue a permit for a proposed MSW landfill or a horizontal expansion of an existing MSWDF if the site is located within two miles of a federally restricted military air space which is used for a bombing range, with the exception of any municipal solid waste landfill that was permitted and operational on July 1, 1997.

Ref: O.C.G.A § 12-8-25.3(d); Rule 391-3-4-.05(k)

f. Number of allowable solid waste facilities in two-mile radius

O.C.G.A. § 12-8-25.4(b) limits the number of MSWDFs that can be permitted in each area. EPD will not issue a permit for a proposed MSWDF or a horizontal expansion of an existing MSWDF if any part of the proposed permitted area would lie within any geographic area which can be shown to meet the following criteria:

- i. The geographic area is in the shape of a circle with a two-mile radius, the center point of which circle *may be any point within the premises* proposed for permitting; and
- ii. The circular geographic area already includes all or a portion of three or more landfills within that portion of its territory which is within this state (*including the landfill proposed for permitting in the case of a proposed expansion*).

EPD considers any site consisting of multiple, adjoining areas with separate permits as a single landfill for the purposes of this criteria. EPD interprets the rule to mean that you cannot site more than three MSWDFs within in a two-mile radius of an existing MSWDF.

Ref: O.C.G.A. § 12-8-25.4(b)

g. Proximity to a private recreational camp

In accordance with O.C.G.A. § 12-8-25.5, EPD will not issue a permit for a proposed new MSWDF or a horizontal expansion of an existing MSWDF if any part of the site proposed for permitting is within one mile of any private recreational camp primarily used by persons under 18 years of age that has operated at its location for 25 years or more. Examples include privately owned youth and church camps.

Ref: O.C.G.A. § 12-8-25.5

h. Proximity to an adjoining county

In accordance with O.C.G.A. § 12-8-25(a)(3), EPD will not issue a permit for a proposed MSWDF or a horizontal expansion of an existing MSWDF if any part of the site is within one-half mile of a county or city boundary except when the adjoining county or city government adopts a resolution granting approval. A copy of the resolution and the minutes documenting adoption should be submitted with the application.

Ref: O.C.G.A. § 12-8-25(a)(3)

1.3 Applicant conducts a site assessment study and prepares Site Assessment Report (SAR)

Applicant must conduct a site assessment study, the results of which are to be compiled into a SAR. The SAR must be included as part of the permit application.

The SAR addresses the criteria for siting described in the Rules 391-3-4-.05(1) (a) through (k) and Circular 14.

The SAR must include a completed site hydrogeologic investigation in accordance with the Rule 391-3-4-.05(1)(j) and Circular 14.

Ref: O.C.G.A. § 12-8-24(e)(3); Rule 391-3-4-.05(1)

1.4 Applicant procures a resolution from the affected local governments

- a. The Applicant must submit a cover letter from the Host Local Government enclosing a resolution, ordinance, or other similar binding document resolved, enacted, or signed by the

governing authority of that Host Local Government that states all the following:

- i. That the proposed site is in an area that complies with local zoning and/or land use ordinances for a MSWDF or a horizontal expansion of an existing MSWDF. If the county or municipality has no local zoning and/or land use ordinances, the resolution is still required and should state that the county or municipality has no local zoning and/or land use ordinances.
 - ii. Certification that the Host Local Government is actively involved in and has a strategy for meeting the statewide goal of waste reduction.
 - iii. Verification that the Host Local Government has formally adopted, in accordance with applicable local government procedures, a current solid waste management plan as described in O.C.G.A. § 12-8-31.1. This verification must list the date of adoption and expiration of the plan, indicating whether it is a single jurisdictional or multi-jurisdictional plan, and verify that that the proposed MSWDF or horizontal expansion of an existing MSWDF is consistent with that solid waste management plan.
 - a. If the Host Local Government is a part of a multi-jurisdictional plan, for example a city that is part of a county plan, and the Host Local Government has not formally adopted the multi-jurisdictional plan as its own, then the Applicant must identify the jurisdiction that initially developed the multi-jurisdictional plan and, obtain a resolution, ordinance, or other similar binding document resolved, enacted, or signed by the Governing Authority of the applicable jurisdiction meeting all the requirements of this Step 1.4.a.
 - b. For a *regional* MSWDF or horizontal expansion of an existing regional MSWDF, the consistency resolution must list the jurisdictional areas (counties, unincorporated communities, and municipalities) to be served. Any areas within that jurisdictional boundary that will be excluded from service must also be identified.
 - iv. Designating the RO with whom EPD should communicate regarding any questions related to the resolution, ordinance, or other similar binding document and who is empowered to issue the letter reaffirming local zoning and/or land use ordinances consistency requested by EPD after the Design and Operational Plan is finalized. It is strongly encouraged that this designee be identified by title or office, e.g., "County Commission Chair", "Mayor", "City Manager," so that if there is personnel turnover before the completion of the project, there is still an identified designee.
- b. The Applicant must submit a cover letter from all in-state Contributing Local Governments within whose boundaries municipal solid waste is generated that is destined for the proposed MSWDF or horizontal expansion of an existing MSWDF enclosing a resolution, ordinance, or other similar binding document resolved, enacted, or signed by the governing authorities of those local governments that states all the following:

- i. Certification that the Contributing Local Government is actively involved in and has a strategy for meeting the statewide goal of waste reduction.
 - ii. Verification that the Contributing Local Government has adopted a current solid waste management plan as described in O.C.G.A. § 12-8-31.1. This verification must list the date of adoption and expiration of the plan, indicating whether it is a single jurisdictional or multi-jurisdictional plan, and verify that its use of the proposed MSWDF or horizontal expansion of an existing MSWDF is consistent with that solid waste management plan.
 - a. If the Contributing Local Government is a part of a multi-jurisdictional plan, for example a city that is part of a county plan, the local government must identify the jurisdiction that initially developed the multi-jurisdictional plan.
 - b. For a *regional* MSWDF or a horizontal expansion of an existing regional MSWDF, the consistency resolution must list the jurisdictional areas (counties, unincorporated communities and municipalities) to be served. Any areas within that jurisdictional boundary that will be excluded from service must also be identified.
 - iii. Designating the RO with whom EPD should communicate regarding any questions related to the resolution, ordinance, or other similar binding document and who is empowered to issue the letter reaffirming local zoning and/or land use ordinances consistency requested by EPD after the Design and Operational Plan is finalized. It is strongly encouraged that this designee be identified by title or office, e.g., “County Commission Chair”, “Mayor”, “City Manager” etc., so that if there is personnel turnover before the completion of the project, there is still an identified designee.
- c. The Applicant must submit a cover letter from all out-of-state Contributing Local Governments within whose boundaries municipal solid waste is generated that is destined for the proposed MSWDF or horizontal expansion of an existing MSWDF enclosing a resolution, ordinance, or other similar binding document resolved, enacted, or signed by the governing authorities of those local governments that states all the following:
- i. Certification that the Contributing Local Government has a strategy for and is actively involved in meeting planning requirements and a waste reduction goal that is substantially equivalent to the planning requirements and waste reduction goals required for in-state Contributing Local Governments.
 - ii. Designating the RO with whom EPD should communicate regarding any questions related to the resolution, ordinance, or other similar binding document. It is strongly encouraged that this designee be identified by title or office, e.g., “County Commission Chair”, “Mayor”, “City Manager” etc., so that if there is personnel turnover before the completion of the project, there is still an identified designee.

All resolutions should be as current as possible prior to submittal of the permit application and dated not earlier than eighteen (18) months prior to submittal of the permit application.

A copy of the resolutions and the minutes documenting their approval by each local government must be submitted as part of the permit application package. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

See Appendix 2, Letter and Resolution #1: Host Local Government Consistency Resolution for an example.

See Appendix 3, Letter and Resolution #2: Contributing Local Government Consistency Resolution for an example.

See Appendix 4, Letter and Resolution #3: Regional Consistency Resolution (for Regional MSWDF or Horizontal Expansions) for an example.

Ref: O.C.G.A § 12-8-24(g); Rule 391-3-4-.05(1)(a)

Ref: O.C.G.A § 12-8-24(g); 12-8-24(h); and Rule 391-3-4-.02(7)(c); 391-3-4-.02(9)

1.5 Host Local Government publishes Public Notice #2: Siting Decision Meeting

The Host Local Government must conduct a public meeting at which the siting decision for the proposed MSWDF or horizontal expansion of an existing MSWDF will be made (Public Meeting #2: Siting Decision Meeting). The intent of the meeting is to provide details about the siting location and allow an opportunity for public comment. The siting decision shall include, but is not limited to, such activities as the final selection of property and the execution of contracts or agreements pertaining to the location of the proposed MSWDF or the horizontal expansion of an existing MSWDF.

The Host Local Government must publish notice about the meeting in a newspaper of general circulation serving the county or municipality of the Host Local Government at least once a week for the two weeks immediately preceding the date of such meeting. Such notice shall state the time, place, and purpose of the meeting and the meeting shall be conducted by the Host Local Government taking the action.

A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

See Appendix 5, Public Notice #2: Siting Decision Meeting for an example.

Ref: O.C.G.A. § 12-8-26(b); Rule 391-3-4-.03(2)

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Step Two: Permit Application Submission

2.1 Applicant completes the Georgia EPD Online System Facility Creation Request Form

The Applicant completes the Georgia EPD Online System Facility Creation Request Form and submits it to the Solid Waste Permit Unit email account: solidwaste.permits@dnr.ga.gov.

See Appendix 6, Georgia EPD Online System Facility Creation Request Form for an example.

Information included in the form will be used by EPD to establish the location of the proposed MSWDF in the Facility Information System (FIS) database. An identification number (ID) is created for the proposed MSWDF; this ID will be used by the Applicant to create a Georgia EPD Online System (GEOS) account. This account is used to submit the permit application. For a permit modification for a horizontal expansion, the Applicant will submit their application via their existing facility ID.

The Applicant will be notified by EPD when the ID has been issued.

2.2 Applicant creates account in GEOS

Once the Applicant receives their ID number from EPD, they will create a GEOS account.

EPD accepts permit applications electronically via GEOS, which can be accessed here:

<https://geos.epd.georgia.gov/GA/GEOS/Public/GovEnt/Shared/Pages/Main/Login.aspx>

Training tutorials and help guides are available on the GEOS website, which can be accessed here:

<https://epd.georgia.gov/forms-permits/eservices/geos-training-and-technical-assistance>

If further assistance is needed the Applicant may contact EPD directly at the help line 404.362.2692 or SolidWaste.Permits@dnr.ga.gov.

The Applicant must create an account in GEOS and name the RO. The RO is a designee of the Applicant responsible for submitting the required permit documentation. Examples include but are not limited to the principal or chief executive officer.

EPD will review the newly created GEOS account and will notify the Applicant when the account becomes active. Errors on the account will delay activation. EPD will notify the Applicant if there are errors and will allow time for the Applicant to make changes. Once the account is active, the Applicant may proceed with entering the permit application.

2.3 Applicant completes the Application for Solid Waste Handling Permit Request for Site Suitability Form

The Applicant completes the Application for Solid Waste Handling Permit Request for Site Suitability Form (application form). The application form can be accessed on the Applicant's GEOS account dashboard at "Start New Application".

See Appendix 7, Application for Solid Waste Handling Request for Site Suitability Form for an example.

Ref: Rule 391-3-4-.02(5)

2.4 Applicant submits completed application package

The Applicant submits all required documentation for the permit application to be processed. The Applicant must notify the public about the application within 15 days of submission; see Step 3.1 for instructions on issuing this notice.

The following documents must be submitted as part of the permit application package:

- a. Application form
- b. All required Local Government Resolutions (as described in Step 1.4)
- c. SAR
- d. Copies of the newspaper notices from the solid waste management needs meeting (Public Meeting #1) and siting decision meeting (Public Meeting #2), and any additional supporting documentation

Ref: Rule 391-3-4-.02(6); 391-3-4-.02(7)

2.5 EPD reviews permit application package for administrative completeness

The permit application package will be reviewed for "administrative completeness" by EPD within 10 calendar days of the submittal date recorded in GEOS. "Administrative completeness" means that the application form was fully completed, signed by the RO, notarized, and that all required documentation was received.

EPD reviews copies of the public notices and the newspaper of general circulation serving the county or municipality of the Host Local Government used to ensure that notice was in fact provided in the language most commonly spoken in the area within which it circulates, and which was readily available for all inhabitants in the area of circulation.

A satisfactory completed permit application package will be acknowledged by EPD, and the RO will be notified electronically in GEOS. The RO will be notified if the application package is incomplete in GEOS; this notification will include an explanation of the deficiencies. The RO will have the

opportunity to address the deficiencies and resubmit.

2.6 EPD performs technical review

An administratively complete application package will be assigned to an EPD permit engineer and geologist for detailed technical review of the application form and required documentation. Further technical review may indicate that additional information is needed for the application package. In this event, the RO will be notified in GEOS with a Notice of Deficiency (NOD) letter to provide the additional information.

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Step Three: Public Notification and EPD Site Assessment Report (SAR) Review

3.1 Applicant publishes Public Notice #3: Permit Application Submission

Upon submission of the permit application package in GEOS for the proposed MSWDF or horizontal expansion of an existing MSWDF, the Applicant must notify the public in writing within 15 days of the date of submission using the following parameters:

- a. **If the application is for a facility serving no more than one county**, the public notice shall be published in a newspaper of general circulation serving the Host Local Government, and each local government in the county and the regional commission shall further be notified in writing via letter or email of the permit application.
- b. **If the application is for a facility serving more than one county**, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing via letter or email of the permit application.
- c. The public notice shall also be prominently displayed in the courthouse of each notified county.

The intent of this notice is to inform the public that the Applicant has completed the initial steps for siting and is moving forward to obtain a permit for the proposed MSWDF or a horizontal expansion of an existing MSWDF.

A copy of the printed notice from each newspaper of general circulation, and any other supporting documentation must be submitted through GEOS to become a part of the permit application package. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

See Appendix 8, Public Notice #3: Notice of Permit Application Submission for an example.

Ref: O.C.G.A § 12-8-32(a); Rule 391-3-4-.03(3)

3.2 EPD reviews application, issues Draft Site Limitations letter, and if approved the Site Suitability Notice

EPD reviews the SAR submitted with the permit application package to determine if the proposed site of the MSWDF or horizontal expansion of an existing MSWDF is suitable. If there are deficiencies in the SAR, EPD will issue a letter to the Applicant requesting additional information and will allow time for the Applicant to address the deficiencies. If there is a “fatal flaw” the Applicant will be notified.

If the site is suitable, EPD will issue a Draft Site Limitations letter that will be posted on the Land Branch Public Announcements webpage listed below for at least 30 days for public comment. Draft Site Limitations letters can be accessed at the following site:

<https://epd.georgia.gov/public-announcements-0/land-protection-branch-public-announcements>

EPD shall review any comments received and address any environmental or public health issues that are regulated by O.C.G.A § 12-8-20 and Rule 391-3-4. After reviewing comments for the Draft Site Limitations, the EPD Director will determine whether to move the permit application forward by issuing the Site Suitability Notice. EPD will then post the Site Suitability Notice to the Land Protection Branch's Public Announcements webpage. The Site Suitability Notice is an action of the Director and subject to administrative appeal for thirty days after execution.

3.3 Applicant publishes Public Notice #4: EPD Site Suitability Determination

Once EPD has issued the final Site Suitability Notice to the Applicant, the Applicant must issue Public Notice #4: EPD Site Suitability Determination within 15 days using the following parameters:

- a. **If the application is for a facility serving no more than one county**, the public notice shall be published in a newspaper of general circulation serving the county of the Host Local Government, and each local government in the county and the regional commission shall further be notified in writing via letter or email of the permit application.
- b. **If the application is for a facility serving more than one county**, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing via letter or email of the permit application.
- c. The public notice shall be prominently displayed in the courthouse of each notified county.

The intent of this notice is for the Applicant to inform the public that EPD has completed the initial review of the permit application package. This signifies that EPD has reviewed and approved the permit application package, and (if applicable) that the Applicant has satisfactorily addressed any deficiencies noted in the SAR, and that the Applicant may continue to proceed with the permit process. This notice further signifies that EPD published a SAR for comment and public engagement prior to approving the permit application and that EPD has determined the selected site meets suitability requirements.

It is possible to combine Public Notice #4 and #5, see Step 3.4 for more information.

A copy of the printed notice from each newspaper of general circulation, and any supporting documentation must be submitted through GEOS to become a part of the permit application package. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

See Appendix 9, Public Notice #4: EPD Site Suitability Determination for an example.

3.4 Host Local Government facilitates Public Meeting #3: EPD Site Suitability Determination Meeting

Within 45 days of receipt of notice from the EPD, the Host Local Government for the proposed MSWDF or horizontal expansion of an existing MSWDF shall hold a public meeting (Public Meeting

#3: EPD Site Suitability Determination Meeting) informing affected residents and landowners in the area of the proposed site.

The intent of this meeting is to engage with affected residents and landowners to review the results of the siting decision of the proposed MSWDF or horizontal expansion of an existing MSWDF. The Host Local Government will further provide an opportunity for affected residents and landowners to voice their opinions and address questions and concerns about the proposed site through the Facility Issues Negotiation (FIN) process.

The Host Local Government must issue Public Notice #5: EPD Site Suitability Determination Meeting which includes details about this public meeting in writing using the following parameters:

- a. **If the application is for a facility serving no more than one county**, the public notice shall be published in a newspaper of general circulation serving the county of the Host Local Government, and each local government in the county and the regional commission shall further be notified in writing via letter or email of the permit application.
- b. **If the application is for a facility serving more than one county**, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing via letter or email of the permit application.
- c. The public notice shall be prominently displayed in the courthouse of each notified county.

A copy of the printed notice from each newspaper of general circulation, and any supporting documentation must be submitted through GEOS to become a part of the permit application package. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

See Appendix 10, Public Notice #5: EPD Site Suitability Determination Meeting Notice for an example.

It is acceptable to combine Public Notice #4 and Public Notice #5, provided the combined notice is published within 15 days of receipt of the notice site suitability determination from EPD.

See Appendix 11, Optional Combined Notice: Public Notice #4 and Public Notice #5: EPD Site Suitability Determination and Meeting for an example.

Ref: O.C.G.A. § 12-8-32(a) and (c); Rule 391-3-4-.03(3)

Affected residents and landowners may form a petition protesting the proposed site following Public Meeting #3: EPD Site Suitability Determination Meeting. Affected residents and landowners have 30 days following Public Meeting #3: EPD Site Suitability Determination Meeting to submit a petition to the Applicant and Host Local Government. If this occurs, it initiates the Facility Issues Negotiation Process.

Ref: O.C.G.A. § 12-8-32(f); Rule 391-3-4-.03(3)

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Step Four: Facility Issues Negotiation Process or Local Government Notification of No Petition

The Facility Issues Negotiation (FIN) process is an opportunity for the Applicant and/or Host Local Government to engage in negotiations with affected landowners and residents. Affected landowners and residents can express their concerns, negotiate, and mitigate any issues (except for environmental permit conditions) of the proposed MSWDF or horizontal expansion of an existing MSWDF.

The FIN process is initiated upon receipt of a valid, signed petition. Additional detail about the FIN process, and the required letters and public meetings and notices, is provided in Appendix 12, Facility Issues Negotiation Process. Note, the Applicant may also be the Host Local Government.

See Appendix 12, Facility Issues Negotiation Process.

If no petition is received, or if it is invalid, the Host Local Government must notify EPD (Letter #12.1: Notice of Continuation of Permitting Process – No Facility Issues Negotiation Process), and the Applicant may skip the FIN process and proceed with the permitting process.

A copy of Letter #12.1: Notice of Continuation of Permitting Process – No Facility Issues Negotiation Process must be submitted as part of the permit application package. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

See Appendix 12.1, Letter #12.1: Notice of Continuation of Permitting Process – No Facility Issues Negotiation Process for an example.

Ref: O.C.G.A. § 12-8-32(f); Rule 391-3-4-.03(3)(e)

DESIGN, OPERATION, AND CLOSURE PLANNING

Step Five: Documentation Collection

5.1. Applicant prepares Design and Operational (D&O) Plan and submits to EPD for review

The D&O plan will be reviewed for approval by EPD. Any comments or deficiencies will be discussed with the Applicant through official correspondence, such as a NOD letter. The D&O plan must be approved by EPD for permit issuance. Contact the Solid Waste Program for additional guidance on preparing a D&O plan.

Solid Waste Permit Unit email account: solidwaste.permits@dnr.ga.gov.

The following documents are required as part of the D&O plan:

- a. Engineering drawings
- b. Operational narrative
- c. Environmental monitoring plan
- d. Closure and post-closure plan (including financial responsibility cost estimate)
- e. Air quality requirements (applicable for thermal treatment facilities)

A financial responsibility mechanism is required for the satisfactory maintenance, closure, and post closure care of the proposed MSWDF or horizontal expansion of an existing MSWDF, or for any corrective actions required by the permit. The Applicant is required to develop closure and post-closure care plans as part of the D&O plan, which includes financial responsibility cost estimates. The Applicant must submit a financial responsibility mechanism for the closure and post closure plans in GEOS after EPD has completed the review of the D&O plan.

If during the operation of the facility a corrective action plan (CAP) is warranted, additional financial responsibility may be required.

Ref: O.C.G.A § 12-8-27.2; Rule 391-3-4-.07; 391-3-4-.08; 391-3-4-.11; 391-3-4-.12; 391-3-4-.14; 391-3-4-.17

5.2 Applicant submits cost reimbursement documentation

EPD will not issue a permit, unless there is documentation that the Host Local Government has provided a mechanism to collect a cost reimbursement fee upon each ton of municipal solid waste received at the proposed MSWDF or horizontal expansion of an existing MSWDF as detailed in O.C.G.A. § 12-8-39. A letter stating that the Host Local Government has provided a mechanism to collect the fees and signed by the designated RO, must be submitted to EPD through GEOS prior to permit issuance. This language should be included in the consistency reaffirmation letter. See Step 6.2.

Ref: O.C.G.A. § 12-8-39

5.3 Applicant provides documentation that the proposed MSWDF or horizontal expansion of an existing MSWDF would meet air quality standards

If the proposed MSWDF or horizontal expansion of an existing MSWDF is a thermal treatment facility, a letter from the Air Protection Branch indicating compliance with Federal New Source Performance Standards (NSPS) is required.

The letter from Georgia EPD Air Protection Branch should not be dated earlier than 18 months prior to application submission. The Air Protection Branch can be reached at: (404) 363-7000. The website for the Air Protection Branch is listed below:

<https://epd.georgia.gov/air-protection-branch>

A copy of this letter must be submitted through GEOS to become a part of the permit application package. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

Ref: O.C.G.A § 12-8-24(a); Rule 391-3-4-.08(1)

FINAL PERMIT APPLICATION DOCUMENTATION AND PROCEDURES

Step Six: Final Documentation Submission

6.1 EPD to issue Notification of Design and Operational Plan Review Completion letter

Upon the completion of the D&O plan review, EPD will issue the Notification of Design and Operational Plan Review Completion letter to the Applicant. EPD will request the following to be submitted by the Applicant at this time:

- a. Local government consistency reaffirmation letters
- b. Financial responsibility mechanism

EPD will advise the Applicant to hold the final public hearing in this letter.

See Appendix 13, Example Letter: Notification of Design and Operational Plan Review Completion for an example.

6.2 Applicant submits Host and Contributing Local Government Consistency Reaffirmation Letters

The Applicant should procure letters from all local governments that provided resolutions in Step 1.4. These letters must be on the local government letterhead and signed by the RO designated in the original resolution.

For the Host Local Government, the letter should confirm:

- a. That the D&O plan, as finalized, still complies with the local zoning and/or land use ordinances originally certified to at the time of the application. If the county or municipality has no local zoning and/or land use ordinances, the letter is still required and should reaffirm that the county or municipality has no local zoning and/or land use ordinances.
- b. That the Host Local Government is actively involved in and has a strategy for meeting the statewide goal of waste reduction.
- c. That the D&O plan, as finalized, is still consistent with the solid waste management plan originally certified to at the time of the application.

The letter should also include a statement that the Host Local Government has provided a mechanism or ledger to collect the cost reimbursement fees for each ton of municipal solid waste received at the proposed MSWDF or horizontal expansion of an existing MSWDF. See Step 5.2.

A copy of this letter must be submitted through GEOS to become a part of the permit application package. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

See Appendix 14, Letter #4: Host Local Government Consistency Reaffirmation Letter for an example.

For all other Contributing Local Governments, the letter should confirm:

- a. That the Contributing Local Government is actively involved in and has a strategy for meeting the statewide goal of waste reduction.
- b. That the D&O plan, as finalized, is still consistent with the solid waste management plan originally certified to at the time of the application.

The reaffirmation letters must be submitted by the Applicant in GEOS and be dated after the Notification of Design and Operational Plan Review Completion letter. EPD will not issue a permit unless these letters are received.

See Appendix 15, Letter #5: Contributing Local Government Consistency Reaffirmation Letter for an example.

Ref: Rule 391-3-4-.05(1)(a)

6.3 Applicant demonstrates financial responsibility

Financial responsibility (referred to as financial assurance in GEOS) is a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of solid waste handling facilities. A financial responsibility mechanism is required for the satisfactory maintenance, closure, and post closure care of the proposed MSWDF or horizontal expansion of an existing MSWDF, or any corrective actions required by the permit. The Applicant is required to develop closure and post-closure care plans, which include cost estimates, for the proposed MSWDF or horizontal expansion of an existing MSWDF as part of the D&O plan. The Applicant must submit a financial responsibility mechanism for these two plans in GEOS.

Examples of financial responsibility mechanisms include:

- a. Trust fund
- b. Surety bond
- c. Letter of credit
- d. Insurance
- e. Personal bonds
- f. Certificate of deposit
- g. Financial test or guarantee

The financial responsibility mechanism must be submitted by the Applicant upon EPD's issuance of the Notification of Design and Operational Plan Review Completion letter.

EPD will not issue the permit unless the financial responsibility mechanism has been submitted and

approved by EPD.

The financial assurance template can be accessed, completed, and submitted for review through the Applicant's dashboard in GEOS.

Ref: O.C.G.A. § 12-8-27.2; Rule 391-3-4-.13

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Step Seven: Final Public Hearing

7.1 Applicant issues Public Notice #6 and Local Government facilitates final public hearing

The Host Local Government must hold a final public hearing after EPD issues the Notification of Design and Operational Plan Review Completion letter, and at least two weeks prior to EPD's issuance of the permit for the proposed MSWDF or a horizontal expansion of an existing MSWDF. EPD cannot issue a permit unless a final public hearing has been held.

The Applicant must coordinate with the Host Local Government to arrange the hearing. The Applicant or the Host Local Government must post notice of such hearing at the site of the proposed MSWDF or horizontal expansion of an existing MSWDF and advertise it in a newspaper of general circulation serving the county of the Host Local Government or counties in which the proposed MSWDF or horizontal expansion of an existing MSWDF will be located, at least 30 days prior to the public hearing.

The intent of this meeting is to allow one final opportunity for public engagement prior to permit issuance.

A copy of the printed notice from the newspaper(s) of general circulation, and any supporting documentation must be submitted through GEOS as a part of the permit application package. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

See Appendix 16, Public Notice #6: Final Public Hearing for an example.

A copy of the transcribed hearing transcript must be submitted to EPD prior to permit issuance.

EPD shall review the comments and address any environmental or public health issues that are regulated by O.C.G.A § 12-8-20 and Rule 391-3-4.

PERMIT APPEALS

All final permitting decisions, whether to issue or deny a requested permit, may be appealed within thirty (30) days of the Director's issuance or denial of the permit. Upon issuance of the permit, the Applicant may proceed with construction of the MSWDF or the horizontal expansion of an existing MSWDF.

If, however, an appeal is received within the 30-day period, the permit is stayed, and no further construction or operation may take place until the appeal is resolved and the permit affirmed.

Permit appeals are heard before an administrative law judge of the Office of State Administrative Hearings.

Ref: O.C.G.A. § 12-2-2(c)(2); 50-13-19

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APPENDICES

Appendix 1, Public Notice #1: Waste Management Needs Meeting

In accordance with Section 12-8-26(a) of the Georgia Comprehensive Solid Waste Management Act, [name of Host Local Government] will hold a public meeting to discuss waste management needs and to describe the facility siting process for the proposed new municipal solid waste disposal facility (MSWDF) [or horizontal expansion for an existing MSWDF (if applicable)].

The meeting will be held at [location of the meeting] on [weekday and date] at [time].

Public Notice Guidance

- 1. Notice of this meeting shall be published within a newspaper of general circulation serving the county or municipality of the Host Local Government at least once a week for the two weeks immediately preceding the date of such meeting.*
- 2. Regional solid waste management authorities must hold at least one meeting within each jurisdiction participating in such authority and notice for these meetings must be published within a newspaper of general circulation serving each such jurisdiction at least once a week for the two weeks immediately preceding the date of such meeting.*
- 3. A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.*

Appendix 2, Letter and Resolution #1: Host Local Government Consistency Resolution

[Please use Host Local Government letterhead]

[Your Name]

[Your Address]

[Date (no earlier than 18 months of application submittal)]

ATTN: Solid Waste Program Manager
4244 International Parkway
Suite 104
Atlanta, Georgia 30354

RE: Proposed [MSWDF or horizontal expansion of an existing MSWDF name] – New Municipal Solid Waste Landfill in [County Name]

To Whom it May Concern:

Please find attached to this letter the resolution adopted by the [Governing Authority] of the [Host Local Government] confirming that the proposed [MSWDF or horizontal expansion of an existing MSWDF name] located at [site address] in [county name] complies with local zoning and/or land use ordinances. The resolution also verifies that the proposed [MSWDF or horizontal expansion of an existing MSWDF name] is consistent with the applicable Solid Waste Management Plan. Further, [Host Local Government] is certifying that it is actively involved in and has a strategy for meeting the statewide goal of waste reduction.

Also attached to this letter are the minutes from the meeting documenting the approval of the resolutions by [Host Local Government].

Sincerely,

[Print Name]

[Title]

Host Local Government Consistency Resolution

[Host Local Government]

WHEREAS, _____ is a [county/municipal corporation]; and

WHEREAS, the site more particularly described in Exhibit “A” attached hereto is a [proposed new municipal solid waste disposal facility, as that term is defined in O.C.G.A. § 12-8-22/horizontal expansion of an existing municipal solid waste disposal facility, as that term is referenced in O.C.G.A. § 12-8-24] (hereinafter, the “Site”); and

WHEREAS, the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 *et seq.* requires that the Host Local Government confirm that proposed new or horizontally expanded municipal solid waste disposal facilities are in conformance with applicable local zoning and/or land use ordinances and solid waste management plan requirements; and

WHEREAS, the Director of the Georgia Department of Natural Resources, Environmental Protection Division (“EPD”) requires that this confirmation include both a resolution and letter from the Host Local Government; and

WHEREAS, [Host Local Government] has reviewed the Site; and

WHEREAS, [Host Local Government] desires to provide the required confirmation regarding the Site’s conformance to applicable local zoning and/or land use ordinances and solid waste management plan requirements, and is actively involved in and has a strategy for the statewide goal of waste reduction;

NOW, THEREFORE, BE IT RESOLVED that:

1. [Host Local Government] has confirmed that the Site lies wholly within the boundaries of [county/municipality]; and
2. [Host Local Government] has duly adopted local zoning and/or land use ordinances/[Host Local Government] does not have any local zoning and/or land use ordinances; and
3. [Host Local Government] has confirmed that the Site is located in an area that complies with local zoning and/or land use ordinances for use as a [proposed new municipal solid waste disposal facility, as that term is defined in O.C.G.A. § 12-8-22/horizontal expansion of an existing municipal solid waste disposal facility, as that term is referenced in O.C.G.A. § 12-8-24] OR Because [Host Local Government] has not adopted any local zoning and/or land use ordinances applicable to a [proposed new municipal solid waste disposal facility, as that term is defined in O.C.G.A. § 12-8-22/horizontal expansion of an existing municipal solid waste disposal facility, as that term is referenced in O.C.G.A. § 12-8-24], the Site cannot be out of compliance with the same; and
4. [Host Local Government] is actively involved in and has a strategy for meeting the statewide goal of waste reduction, as described in O.C.G.A. § 12-8-24(c); and

5. [Host Local Government] has formally adopted, in accordance with applicable local government procedures, a current solid waste management plan as described in O.C.G.A. § 12-8-31.1 (“SWMP”). The SWMP was adopted on [DATE] and expires on [DATE]. The SWMP is a [single jurisdictional plan/multi-jurisdictional plan]; and
6. [If the Host Local Government is a part of a multi-jurisdictional SWMP, please also add: The SWMP was initially developed by [county/municipality]]
7. [Host Local Government] can verify that that the [proposed new municipal solid waste disposal facility, as that term is defined in O.C.G.A. § 12-8-22/horizontal expansion of the existing municipal solid waste disposal facility, as that term is referenced in O.C.G.A. § 12-8-24] at the Site is consistent with that SWMP.
8. [Host Local Government] designates [title of local government employee/officer] to communicate with EPD regarding any questions related to this Resolution and to execute the letter transmitting this Resolution to EPD; and
9. [Host Local Government] authorizes [title of local government employee/officer] to issue a letter to EPD reaffirming local zoning and/or land use ordinances consistency, SWMP consistency, and its active involvement in a strategy for meeting the statewide goal of waste reduction, when requested.

THIS ____ Day of _____, _____.

[INSERT SIGNATURE BLOCK FOR HOST LOCAL GOVERNMENT RESOLUTIONS]

Appendix 3, Letter and Resolution #2: Contributing Local Government Consistency Resolution

[Please use Contributing Local Government letterhead]

[Your Name]

[Your Address]

[Date (no earlier than 18 months of application submittal)]

ATTN: Solid Waste Program Manager
4244 International Parkway
Suite 104
Atlanta, Georgia 30354

RE: Proposed [MSWDF or horizontal expansion of an existing MSWDF name] – New Municipal Solid Waste Landfill in [County Name]

To Whom it May Concern:

Please find attached to this letter a resolution adopted by the [Governing Authority] of the [Contributing Local Government] confirming the intent to send municipal solid waste generated in its jurisdiction to the proposed [MSWDF or horizontal expansion of an existing MSWDF name] located at [site address] in [county name]. Further, [Contributing Local Government] is certifying that it is actively involved in and has a strategy for meeting the statewide goal of waste reduction and is consistent with the applicable Solid Waste Management Plan.

Also attached to this letter are the minutes from the meeting documenting the approval of the resolutions by [Contributing Local Government].

Sincerely,

[Print Name]

[Title]

Contributing Local Government Consistency Resolution

[Contributing Local Government]

WHEREAS, _____ is a [county/municipal corporation]; and

WHEREAS, the site more particularly described in Exhibit “A” attached hereto is a [proposed new municipal solid waste disposal facility, as that term is defined in O.C.G.A. § 12-8-22/horizontal expansion of an existing municipal solid waste disposal facility, as that term is referenced in O.C.G.A. § 12-8-24] (hereinafter, the “Site”); and

WHEREAS, the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 *et seq.* requires that the Host Local Government confirm that proposed new or horizontally expanded municipal solid waste disposal facilities are in conformance with applicable local zoning and/or land use ordinances and solid waste management plan requirements; and

WHEREAS, the Director of the Georgia Department of Natural Resources, Environmental Protection Division (“EPD”) requires that this confirmation include both a resolution and letter from each Contributing Local Government that will send municipal solid waste generated in its jurisdiction to the Site; and

WHEREAS, [Contributing Local Government] intends to send municipal solid waste generated in its jurisdiction to the Site; and

WHEREAS, [Contributing Local Government] desires to provide the required confirmation regarding the Site’s conformance to applicable solid waste management plan requirements, and is actively involved in and has a strategy for the statewide goal of waste reduction;

NOW, THEREFORE, BE IT RESOLVED that:

1. [Contributing Local Government] is actively involved in and has a strategy for meeting the statewide goal of waste reduction, as described in O.C.G.A. § 12-8-24(c); and
2. [Contributing Local Government] has formally adopted, in accordance with applicable local government procedures, a current solid waste management plan as described in O.C.G.A. § 12-8-31.1 (“SWMP”). The SWMP was adopted on [DATE] and expires on [DATE]. The SWMP is a [single jurisdictional plan/multi-jurisdictional plan]; and
3. [If the Contributing Local Government is a part of a multi-jurisdictional SWMP, please also add: The SWMP was initially developed by [county/municipality]]
4. [Contributing Local Government] can verify its use of the [proposed new municipal solid waste disposal facility, as that term is defined in O.C.G.A. § 12-8-22/horizontal expansion of the existing municipal solid waste disposal facility, as that term is referenced in O.C.G.A. § 12-8-24] at the Site is consistent with that SWMP.

5. [Contributing Local Government] designates [title of local government employee/officer] to communicate with EPD regarding any questions related to this Resolution and to execute the letter transmitting this Resolution to EPD; and
6. [Contributing Local Government] authorizes [title of local government employee/officer] to issue a letter to EPD reaffirming SWMP consistency and active involvement and strategy in meeting the statewide goal of waste reduction, when requested by EPD.

THIS ____ Day of _____, _____.

[INSERT SIGNATURE BLOCK FOR CONTRIBUTING LOCAL GOVERNMENT RESOLUTIONS]

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Appendix 4, Letter and Resolution #3: Regional Consistency Resolution (for Regional MSWDF or Horizontal Expansions)

[Please use Host Local Government letterhead]

[Your Name]

[Your Address]

[Date (no earlier than 18 months of application submittal)]

ATTN: Solid Waste Program Manager
4244 International Parkway
Suite 104
Atlanta, Georgia 30354

RE: Proposed [MSWDF or horizontal expansion of an existing MSWDF name] – New Regional Municipal Solid Waste Landfill in [County Name]

To Whom it May Concern:

Please find attached to this letter a resolution adopted by the [Governing Authority] of the [Host Local Government] confirming that the proposed regional [MSWDF or horizontal expansion of an existing MSWDF name] located at [site address] in [county name] complies with local zoning and/or land use ordinances. The resolution also verifies that the proposed regional [MSWDF or horizontal expansion of an existing MSWDF name] is consistent with the applicable Solid Waste Management Plan. Further, [Host Local Government] is certifying that it is actively involved in and has a strategy for meeting the statewide goal of waste reduction.

Also attached to this letter are the minutes from the meeting documenting the approval of the resolutions by [Host Local Government].

Sincerely,

[Print Name]

[Title]

Regional Consistency Resolution (for Regional MSWDF or Horizontal Expansions)

[Host Local Government]

WHEREAS, _____ is a [county/municipal corporation]; and

WHEREAS, the site more particularly described in Exhibit “A” attached hereto is a [proposed new regional municipal solid waste disposal facility, as that term is defined in O.C.G.A. § 12-8-22/horizontal expansion of an existing regional municipal solid waste disposal facility, as that term is referenced in O.C.G.A. § 12-8-24] (hereinafter, the “Site”); and

WHEREAS, the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 *et seq.* requires that the Host Local Government confirm that proposed new or horizontally expanded regional municipal solid waste disposal facilities are in conformance with applicable local zoning and/or land use ordinances and solid waste management plan requirements; and

WHEREAS, the Director of the Georgia Department of Natural Resources, Environmental Protection Division (“EPD”) requires that this confirmation include both a resolution and letter from the Host Local Government; and

WHEREAS, [Host Local Government] has reviewed the Site; and

WHEREAS, [Host Local Government] desires to provide the required confirmation regarding the Site’s conformance to applicable local zoning and/or land use ordinances and solid waste management plan requirements, and is actively involved in and has a strategy for the statewide goal of waste reduction;

WHEREAS, the Site will serve the listed jurisdictional areas; any areas within that jurisdictional boundary that are excluded from service will be identified.

NOW, THEREFORE, BE IT RESOLVED that:

1. [Host Local Government] has confirmed that the Site lies wholly within the boundaries of [county/municipality]; and
2. [Host Local Government] has duly adopted local zoning and/or land use ordinances/[Host Local Government] does not have any local zoning and/or land use ordinances; and
3. [Host Local Government] has confirmed that the Site is located in an area that complies with local zoning and/or land use ordinances for use as a [proposed new municipal solid waste disposal facility, as that term is defined in O.C.G.A. § 12-8-22/horizontal expansion of an existing municipal solid waste disposal facility, as that term is referenced in O.C.G.A. § 12-8-24] OR Because [Host Local Government] has not adopted any local zoning and/or land use ordinances applicable to a [proposed new municipal solid waste disposal facility, as that term is defined in O.C.G.A. § 12-8-22/horizontal expansion of an existing municipal solid waste disposal facility, as that term is referenced in O.C.G.A. § 12-8-24], the Site cannot be out of compliance with the same; and

4. [Host Local Government] is actively involved in and has a strategy for meeting the statewide goal of waste reduction, as described in O.C.G.A. § 12-8-24(c); and
5. [Host Local Government] has formally adopted, in accordance with applicable local government procedures, a current solid waste management plan as described in O.C.G.A. § 12-8-31.1 (“SWMP”). The SWMP was adopted on [DATE] and expires on [DATE]. The SWMP is a [single jurisdictional plan/multi-jurisdictional plan]; and
6. [If the Host Local Government is a part of a multi-jurisdictional SWMP, please also add: The SWMP was initially developed by [county/municipality]]
7. [Host Local Government] can verify that the [proposed new municipal solid waste disposal facility, as that term is defined in O.C.G.A. § 12-8-22/horizontal expansion of the existing municipal solid waste disposal facility, as that term is referenced in O.C.G.A. § 12-8-24] at the Site is consistent with that SWMP.
8. [Host Local Government] designates [title of local government employee/officer] to communicate with EPD regarding any questions related to this Resolution and to execute the letter transmitting this Resolution to EPD; and
9. [Host Local Government] authorizes [title of local government employee/officer] to issue a letter to EPD reaffirming local zoning and/or land use ordinances consistency, SWMP consistency, and active involvement and strategy in meeting the statewide goal of waste reduction, when requested by EPD.
10. The Site will serve the following jurisdictional areas:
11. Areas within the jurisdictional boundaries above to be excluded from service:

THIS ____ Day of _____, _____.

[INSERT SIGNATURE BLOCK FOR HOST LOCAL GOVERNMENT RESOLUTIONS]

Appendix 5, Public Notice #2: Siting Decision Meeting

In accordance with Section 12-8-26(b) of the Georgia Comprehensive Solid Waste Management Act, [name of Host Local Government] will hold a public meeting to discuss the siting decision made for the proposed new municipal solid waste disposal facility (MSWDF) [or horizontal expansion for an existing MSWDF (if applicable)]. The proposed site location is [location of proposed facility].

The meeting will be held at [location of the meeting] on [weekday and date] at [time].

Public Notice Guidance

- 1. Notice of this meeting shall be published within a newspaper of general circulation serving the county or municipality of the Host Local Government at least once a week for the two weeks immediately preceding the date of such meeting.*
- 2. Regional solid waste management authorities must hold at least one meeting within each jurisdiction participating in such authority and notice for these meetings must be published within a newspaper of general circulation serving each such jurisdiction at least once a week for the two weeks immediately preceding the date of such meeting.*
- 3. A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.*

Appendix 6, Georgia EPD Online System Facility Creation Request Form

Send completed request to:

solidwaste.permits@dnr.ga.gov OR
 Environmental Protection Division, Solid Waste Management Program
 4244 International Parkway, Suite 104
 Atlanta, GA 30354-3902

EPD Use Only

County: _____

Name: _____

Georgia EPD Online System – Facility Creation Request
 (Please type or print)

| I. APPLICANT INFORMATION | | | |
|--|--------|---|--|
| Name of Facility: | | | |
| Name of Applicant: | | | |
| Address: | | Phone: | |
| City: | State: | ZIP Code: | |
| Authorized Official: | | Title: | |
| Mailing Address: | | Phone: | |
| City: | State: | ZIP Code: | |
| Signature: | | Date: Click here to enter a date. | |
| II. OPERATION TYPE: Check boxes for all applicable operation(s) | | | |
| A. PROCESSING OPERATIONS | | | |
| <input type="checkbox"/> Materials Recovery Facility <input type="checkbox"/> Composting <input type="checkbox"/> Liquid Solidification <input type="checkbox"/> Biomedical Processing Facility <input type="checkbox"/> Baling <input type="checkbox"/> Shredding <input type="checkbox"/> Other | | | |
| B. DISPOSAL OPERATIONS | | | |
| <input type="checkbox"/> Municipal Solid Waste Landfill <input type="checkbox"/> Construction & Demolition Landfill <input type="checkbox"/> Solid Waste Thermal Treatment Facility <input type="checkbox"/> Inert Waste Landfill <input type="checkbox"/> Commercial Industrial Solid Waste Disposal Facility <input type="checkbox"/> Private Industrial Solid Waste Disposal Facility | | | |
| III. DESCRIPTION OF OPERATION: Briefly describe the general nature of the proposed operation | | | |
| | | | |
| IV. PHYSICAL LOCATION OF OPERATION | | | |
| <input type="checkbox"/> Same as mailing address | | | |
| Address: | | Phone: | |
| City: | State: | ZIP Code: | |
| Latitude (in decimal): _____ | | Longitude (in decimal): _____ | |
| V. SIGNATURE | | | |
| Applicant Signature: | | | |

Appendix 7, Application for Solid Waste Handling Request for Site Suitability Form

Send completed application to:
solidwaste.permits@dnr.ga.gov OR
 Environmental Protection Division, Solid Waste Management Program
 4244 International Parkway, Suite 104
 Atlanta, GA 30354-3902

| |
|---------------------|
| EPD Use Only |
| County: _____ |
| Name: _____ |

**Application for Solid Waste Handling Permit
 Request for Site Suitability**
 (Please type or print)

I. APPLICANT INFORMATION

| | | |
|----------------------|--------|---|
| Name: | | |
| Address: | | Phone: |
| City: | State: | ZIP Code: |
| Authorized Official: | Title: | |
| Mailing Address: | | Phone: |
| City: | State: | ZIP Code: |
| Signature: | | Date: Click here to enter a date. |

II. OPERATION TYPE: Check boxes for all applicable operation(s)

A. PROCESSING OPERATIONS
 Materials Recovery Facility Composting Liquid Solidification Biomedical Processing Facility Baling Shredding
 Other

B. DISPOSAL OPERATIONS
 Municipal Solid Waste Landfill Construction & Demolition Landfill Solid Waste Thermal Treatment Facility
 Inert Waste Landfill Commercial Industrial Solid Waste Disposal Facility Private Industrial Solid Waste Disposal Facility

Property for Processing/Disposal is: Owned Leased (please complete owner details below)

Property Owner (if leased):

| | | |
|----------|--------|-----------|
| Address: | | Phone: |
| City: | State: | ZIP Code: |

III. DESCRIPTION OF OPERATION: Briefly describe the general nature of the proposed operation

IV. TYPE OF APPLICATION

New Permit Major Modification to Existing Permit Transfer of Permit Special Solid Waste

V. AREAS SERVED: If the facility is a regional landfill or a landfill serving multiple counties, list the municipalities and/or counties to be served

VI. OTHER PERMITS: List any other *environmental* permits being applied for in relation to this operation

VII. LOCATION OF OPERATION: Describe below **and attach** a street or highway map indicating the site/facility location

Latitude: _____° _____' _____" Longitude: _____° _____' _____"

VIII. OWNERS: List all owners of the facility (defined as holding a 5% or greater share)

IX. APPLICANT DETAILS: This section must be completed by all Applicants

| A. | Yes | No |
|---|--------------------------|--------------------------|
| (1) Has the Applicant, or if the Applicant is a corporation, partnership, or association, has any officer, director, manager, or shareholder of five percent or more of stock financial interest in the corporation, partnership, or association intentionally misrepresented or concealed any material fact in the application submitted to the director? | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) Has the Applicant, or if the Applicant is a corporation, partnership, or association, has any officer, director, manager, or shareholder of five percent or more of stock financial interest in the corporation, partnership, or association obtained or attempted to obtain the permit by misrepresentation or concealment? | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) Has the Applicant, or if the Applicant is a corporation, partnership, or association, has any officer, director, manager, or shareholder of five percent or more of stock financial interest in the corporation, partnership, or association been convicted by final judgment, and all appeals have been exhausted, in the State of Georgia or any federal court of any felony involving moral turpitude within three years immediately preceding the application for a permit? | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) Has the Applicant, or if the Applicant is a corporation, partnership, or association, has any officer, director, manager, or shareholder of five percent or more of stock financial interest in the corporation, partnership, or association been convicted of any violations of any laws punishable as a felony in any state or federal court within five years preceding the application for a permit? | <input type="checkbox"/> | <input type="checkbox"/> |
| (5) Has the Applicant, or if the Applicant is a corporation, partnership, or association, has any officer, director, manager, or shareholder of five percent or more of stock financial interest in the corporation, partnership, or association knowingly, willfully, and consistently violated the prohibitions specified in Code Section 12-8-30.7? | <input type="checkbox"/> | <input type="checkbox"/> |
| (6) Has the Applicant, or if the Applicant is a corporation, partnership, or association, has any officer, director, manager, or shareholder of five percent or more of stock financial interest in the corporation, partnership, or association been adjudicated in contempt of any court order enforcing any federal environmental laws or any environmental laws of the State of Georgia within five years preceding the application for a permit? | <input type="checkbox"/> | <input type="checkbox"/> |

B. On a separate sheet, please provide detailed explanations for each question above answered "yes."

C. If the owner and/or operator (defined as holding a 5% or greater share) of the facility is other than the Applicant, the owner and/or operator must also submit the information required in this section.

X. SIGNATURES

Applicant Signature: _____

Sworn to and subscribed before me this _____ day of _____, 20_____.

Notary Public: _____ My commission expires: [Click here to enter a date.](#)

Appendix 8, Public Notice #3: Notice of Permit Application Submission

[To be published with 15 days of application submission to EPD]

In accordance with Section 12-8-32(a) of the Georgia Comprehensive Solid Waste Management Act, notice is hereby served that [name of Applicant] submitted an application on [date] for a solid waste handling permit for the proposed new municipal solid waste disposal facility (MSWDF) [or horizontal expansion for an existing MSWDF (if applicable)] to the Environmental Protection Division of the Georgia Department of Natural Resources. The proposed site is located at [address] in [county name].

Public Notice Guidance

1. ***If the application is for a facility serving no more than one county, the public notice shall be published in a newspaper of general circulation serving county of the Host Local Government, and each local government in the county and the regional commission shall further be notified in writing via letter or email of the permit application;***
2. ***If the application is for a facility serving more than one county, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing via letter or email of the permit application; and***
3. ***The public notice shall be prominently displayed in the courthouse of each notified county***
4. ***A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.***

Appendix 9, Public Notice #4: EPD Site Suitability Determination

[To be published with 15 days upon notification from EPD]

In accordance with Section 12-8-32(c) of the Georgia Comprehensive Solid Waste Management Act, notice is hereby served that [name of permit Applicant] has received a site suitability notice from the Environmental Protection Division of the Georgia Department of Natural Resources for the proposed new municipal solid waste disposal facility (MSWDF) [or horizontal expansion for an existing MSWDF (if applicable)] located at [proposed site location].

Public Notice Guidance

1. ***If the application is for a facility serving no more than one county, the public notice shall be published in a newspaper of general circulation serving the county of the Host Local Government, and each local government in the county and the regional commission shall further be notified in writing via letter or email of the permit application;***
2. ***If the application is for a facility serving more than one county, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing via letter or email of the permit application; and***
3. ***The public notice shall be prominently displayed in the courthouse of each notified county***
4. ***A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.***

Appendix 10, Public Notice #5: EPD Site Suitability Determination Meeting Notice

[To be published with 15 days upon notification from EPD]

In accordance with Section 12-8-32(c) of the Georgia Comprehensive Solid Waste Management Act, [name of Host Local Government] will hold a public meeting to inform affected residents and landowners in the area of the proposed new municipal solid waste disposal facility (MSWDF) [or horizontal expansion for an existing MSWDF (if applicable)] located at [proposed site location] and of the opportunity to engage the Facility Issues Negotiation (FIN) process. The Facility Issues Negotiation (FIN) process is an opportunity for the Host Local Government to engage in negotiations with affected landowners and residents. Affected landowners and residents can express their concerns, negotiate, and mitigate any issues (except for environmental permit conditions) of the proposed MSWDF or horizontal expansion of an existing MSWDF.

The meeting will be held at [location of the meeting] on [weekday and date] at [time].

Public Notice Guidance

1. ***If the application is for a facility serving no more than one county, the public notice shall be published in a newspaper of general circulation serving the county of the Host Local Government, and each local government in the county and the regional commission shall further be notified in writing via letter or email of the permit application;***
2. ***If the application is for a facility serving more than one county, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing via letter or email of the permit application; and***
3. ***The public notice shall be prominently displayed in the courthouse of each notified county***
4. ***A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.***

Appendix 11, Optional Combined Notice: Public Notice #4 and Public Notice #5: EPD Site Suitability Determination and Meeting

[To be published with 15 days upon notification from EPD]

In accordance with Section 12-8-32(c) of the Georgia Comprehensive Solid Waste Management Act, notice is hereby served that [name of permit Applicant] has received a site suitability notice from the Environmental Protection Division of The Georgia Department of Natural Resources for the proposed new municipal solid waste disposal facility (MSWDF) [or horizontal expansion for an existing MSWDF (if applicable)] located at [proposed site location].

The [name of Host Local Government] will hold a public meeting to inform affected residents and landowners in the area of the proposed project site. This meeting is an opportunity for affected residents and landowners to voice their opinions and ask questions about the proposed project site. If warranted, further meetings will be held according to the Facility Issues Negotiation (FIN) process procedures.

The meeting will be held at [location of the meeting] on [weekday and date] at [time].

Public Notice Guidance

- 1. **If the application is for a facility serving no more than one county**, the public notice shall be published in a newspaper of general circulation serving the county of the Host Local Government, and each local government in the county and the regional commission shall further be notified in writing via letter or email of the permit application;*
- 2. **If the application is for a facility serving more than one county**, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing via letter or email of the permit application; and*
- 3. **The public notice shall be prominently displayed in the courthouse of each notified county***
- 4. A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.*

Appendix 12, Facility Issues Negotiation Process

1. Applicant and/or Host Local Government initiates FIN process and validates petition

The FIN process is initiated upon receipt of a valid petition within 30 days of Public Meeting #3: EPD Site Suitability Determination Meeting (see Step Three: Public Notification and EPD Site Assessment Report (SAR) Review).

Within 15 days following the receipt of a written petition, the Host Local Government must validate the petition to ensure that petitioners consist of at least 25 people, at least 20 of whom are registered voters or landowners in the jurisdiction of the Host Local Government or in a county contiguous to the Host Local Government. Multiple petitions may be consolidated into one.

If no petition is received within the 30 days following Public Meeting #3: EPD Site Suitability Determination Meeting, the Host Local Government must notify EPD, and the permitting process will continue.

A copy of this letter must be submitted as part of the permit application package. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

Appendix 12.1, Letter #12.1: Notice of Continuation of Permitting Process – No Facility Issues Negotiation Process for an example.

EPD will not be a party to the FIN process. Technical environmental issues which are required by O.C.G.A. § 12-8-24 and Rule 391-3-4 cannot be considered negotiable items in the FIN process. Technical environmental issues that are not negotiable include prescriptive Act and Rule requirements. The FIN process must be completed according to the schedule outlined in O.C.G.A. § 12-8-32.

Ref: O.C.G.A. § 12-8-32(f); 12-8-32(g)

2. Host Local Government Issues Public Notice #12.2: FIN process

Within 15 days following the validation of the petition, the Host Local Government must issue Public Notice #12.2: FIN Process to notify the petitioners, the public, the Applicant, EPD, and the regional commission in writing via letter or email that the FIN process has been initiated using the following parameters:

- a. **If the application is for a facility serving no more than one county**, the public notice shall be published in a newspaper of general circulation serving the county of the Host Local Government, and each local government in the county and the regional commission shall further be notified in writing via letter or email of the permit application;

- b. **If the application is for a facility serving more than one county**, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing via letter or email of the permit application; and
- c. The public notice shall be prominently displayed in the courthouse of each notified county.

The intent of this notice is for the Host Local Government to inform the petitioners, the public, the Applicant, EPD, and the regional commission that there will be future meetings for the petitioners and affected residents and landowners to engage in negotiations with the Applicant regarding the proposed MSWDF or horizontal expansion of an existing MSWDF.

A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

Appendix 12.2, Public Notice #12.2: FIN Process for an example.

The Host Local Government must schedule the first FIN meeting within 30 days of petition validation. The date of this meeting must also be included in Public Notice #12.2: FIN Process.

The first FIN Process meeting shall be held with the citizens facility issues committee and the Applicant.

Ref: O.C.G.A. § 12-8-32(h)

3. Petitioners form citizens facility issues committee

Within 15 days following the validation of the petition, the petitioners must select up to ten members, at least eight of whom are registered voters or landowners in the jurisdiction of the Host Local Government, to serve on a citizens facility issues committee to represent them in the FIN process.

Ref: O.C.G.A. § 12-8-32(i)

4. Host Local Government chooses negotiation process facilitator

The first FIN meeting and any subsequent meetings must be overseen by a FIN process facilitator (Facilitator) named by the Host Local Government. The Host Local Government must consult with the citizens facility issues committee to choose a Facilitator from a list provided by the Georgia Department of Community Affairs (DCA).

The Facilitator will assist the petitioners, Applicant, and the Host Local Government through the FIN process. The cost, if any, of the Facilitator is the responsibility of the Applicant.

Ref: O.C.G.A. § 12-8-32(j)

5. Host Local Government facilitates FIN meeting(s)

Beginning with the date of the first FIN meeting, there shall be at least three FIN meetings within a 45-day period unless waived by consent of the parties.

All meetings shall be presided over by the Facilitator for the purpose of assisting the petitioners, the Host Local Government, and the Applicant to engage in nonbinding negotiation.

The Host Local Government must take minutes and maintain a record of the FIN process.

The intent of these meetings is for the petitioners and Applicant to engage in negotiations for the proposed MSWDF or horizontal expansion of an existing MSWDF. All issues are negotiable, except for environmental permit conditions. Examples of issues which may be negotiated include, but are not limited to:

- a. Operational issues, such as hours of operation
- b. Recycling efforts that may be implemented
- c. Protection of property values
- d. Traffic routing and road maintenance
- e. Establishment of local advisory committees

Ref: O.C.G.A. § 12-8-32(k); 12-8-32(l); 12-8-32(m)

6. Facilitator issues Public Notice #12.3: Notice of results from FIN meeting(s)

At the conclusion of the FIN meeting(s) (not to exceed the 45-day period) the Facilitator shall publish the results of the meeting(s) in writing using the following parameters:

- a. **If the application is for a facility serving no more than one county**, the public notice shall be published in a newspaper of general circulation serving the county of the Host Local Government, and each local government in the county and the regional commission shall further be notified in writing via letter or email of the permit application;
- b. **If the application is for a facility serving more than one county**, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing via letter or email of the permit application; and
- c. The public notice shall be prominently displayed in the courthouse of each notified county.

Public Notice #12.3 must include the date, time, and place of Public Meeting #12.3: Results of FIN

Meeting(s).

The intent of this notice is for the Facilitator to notify the public that the FIN meeting(s) has concluded and that the period for negotiations for the proposed MSWDF or horizontal expansion of an existing MSWDF is coming to an end. There will be one final meeting [Public Meeting #12.3: Results of the FIN Meeting(s)] to solicit feedback from persons not represented by the citizens facility issues committee and notice of this meeting must be included in Public Notice #12.3.

A copy of the notice printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

Appendix 12.3, Public Notice #12.3: Results from FIN Meeting(s) for an example.

Ref: O.C.G.A. § 12-8-32(n)

7. Applicant and/or Host Local Government facilitates Public Meeting #12.3: Results of FIN Meeting(s)

The Applicant and/or Host Local Government must schedule Public Meeting #12.3: Results of FIN Meeting(s) to be held within 10 days after publication of the results in Public Notice #12.3 at which persons not represented by the citizens facility issues committee may provide input. The intent of this meeting is to solicit feedback from persons not represented by the citizens facility issues committee. This meeting serves as the final FIN process meeting for the proposed MSWDF or horizontal expansion of an existing MSWDF.

Ref: O.C.G.A. § 12-8-32(n)

8. Concessions reduced to writing and executed by the negotiating parties

Any concessions reached by the negotiating parties shall be reduced to writing. That writing memorializing the negotiated concessions must be executed by the chairman of the citizens facility issues committee and the chief elected official of the Host Local Government and shall be adopted by resolution of the Host Local Government.

EPD's interpretation is that any negotiated changes agreed upon by all parties for the proposed MSWDF or horizontal expansion of an existing MSWDF will be documented in writing. Any action items associated with these negotiated changes will be implemented by the appropriate parties. For example, any negotiated changes that the Applicant must make must be reflected in subsequent permit application documents, such as the D&O plan.

Ref: O.C.G.A. § 12-8-32(o)

9. Facilitator notifies EPD of consensus

If the negotiating parties fail to reach consensus on any issue or issues, the Applicant may proceed with the permitting process. The Facilitator shall notify the EPD in writing that the negotiating parties have failed to reach consensus (see details for the letter in the following step).

If the negotiating parties reach consensus on negotiated issues, the Applicant may proceed with the permitting process. The Facilitator shall notify EPD in writing that the negotiating parties have reached consensus.

Negotiated concessions shall not be construed as environmental permit conditions.

Appendix 12.4, Letter #12.4: Consensus Letter for an example.

Ref: O.C.G.A. § 12-8-32(p); 12-8-32(q); 12-8-32(r)

10. Applicant notifies EPD of continuation with permitting process

At the conclusion of the FIN meeting(s), and after the Facilitator notifies EPD of the consensus (or failure to reach consensus), the Applicant must notify EPD in writing if they desire to continue the permitting process. The intent of this letter is for the Facilitator to inform EPD that the FIN process did take place and that it has concluded. Further, the letter informs EPD of any concessions made, which must be reflected in subsequent permit application documents, such as the D&O plan.

A copy of this letter must be submitted as part of the permit application package. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.

Appendix 12.5, Letter #12.5: Continuation of Permitting Process for an example.

Ref: O.C.G.A. § 12-8-32(s)

Appendix 12.1, Letter #12.1: Notice of Continuation of Permitting Process – No Facility Issues Negotiation Process

[Please use Host Local Government letterhead]

[Your Name]

[Your Address]

ATTN: Solid Waste Program Manager
4244 International Parkway
Suite 104
Atlanta, Georgia 30354

RE: Proposed [MSWDF or horizontal expansion of an existing MSWDF name] – New Municipal Solid Waste Landfill in [County Name]

To Whom it May Concern:

This letter serves to notify you that [indicate if no petition was received or a petition was received and was deemed invalid by the Host Local Government] following the public meeting held by [Host Local Government] to discuss the site suitability determination for the proposed [MSWDF or a horizontal expansion of an existing MSWDF name] located at [site address] in [county name]. We will not proceed with the procedures for the Facility Issues Negotiation (FIN) process meetings as required by O.C.G.A. § 12-8-32 and will continue with the permitting process for the proposed [MSWDF or a horizontal expansion of an existing MSWDF name].

Sincerely,

[Print Name]

[Title]

Appendix 12.2, Public Notice #12.2: FIN Process

[To be published within 15 days of petition validation]

In accordance with Section 12-8-32(h) of the Georgia Comprehensive Solid Waste Management Act, notice is hereby served that [name of Host Local Government] has initiated the Facility Issues Negotiation (FIN) process regarding the proposed new municipal solid waste disposal facility (MSWDF) [or horizontal expansion for an existing MSWDF (if applicable)] located at [proposed site location].

The [name of Host Local Government] will hold the first FIN meeting with petitioners to address any issues of the proposed site.

The meeting will be held at [location of the meeting] on [weekday and date] at [time].

Public Notice Guidance

- 1. **If the application is for a facility serving no more than one county**, the public notice shall be published in a newspaper of general circulation serving the county of the Host Local Government, and each local government in the county and the regional commission shall further be notified in writing via letter or email of the permit application;*
- 2. **If the application is for a facility serving more than one county**, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing via letter or email of the permit application; and*
- 3. **The public notice shall be prominently displayed in the courthouse of each notified county***
- 4. A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.*

Appendix 12.3, Public Notice #12.3: Results from FIN Meeting(s)

[To be published at the conclusion of the FIN meetings, within 45 days of the first meeting]

In accordance with Section 12-8-32(n) of the Georgia Comprehensive Solid Waste Management Act, notice is hereby served with the results from the Facility Issues Negotiation Meeting(s) held regarding the proposed new municipal solid waste disposal facility (MSWDF) [or horizontal expansion for an existing MSWDF (if applicable)] located at [site location].

The [name of Host Local Government] will hold a public meeting to review these results and engage with any persons not represented by the citizens facility issues committee or that were not present at the FIN meeting(s).

The public meeting will be held at [location of the meeting] on [weekday and date] at [time].

Public Notice Guidance

- 1. **If the application is for a facility serving no more than one county**, the public notice shall be published in a newspaper of general circulation serving the county of the Host Local Government, and each local government in the county and the regional commission shall further be notified in writing via letter or email of the permit application;*
- 2. **If the application is for a facility serving more than one county**, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing via letter or email of the permit application; and*
- 3. **The public notice shall be prominently displayed in the courthouse of each notified county***
- 4. A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.*

Appendix 12.4, Letter #12.4: Consensus Letter

[To be developed by the Facility Issues Negotiation Process Facilitator]

[Your Name]

[Your Address]

ATTN: Solid Waste Program Manager
4244 International Parkway
Suite 104
Atlanta, Georgia 30354

RE: Proposed [MSWDF or horizontal expansion of an existing MSWDF name] – New Municipal Solid Waste Landfill in [County Name]

To Whom it May Concern:

This letter serves to notify you that [indicate if consensus was reached or if there was a failure to reach consensus] following the Facility Issues Negotiation (FIN) process meetings as required by O.C.G.A. § 12-8-32 held by [Host Local Government] to discuss the proposed [MSWDF or a horizontal expansion of an existing MSWDF name] located at [site address] in [county name].

Sincerely,

[Print Name]

[Title]

Appendix 12.5, Letter #12.5: Continuation of Permitting Process

[Please use Applicant letterhead]

[Your Name]

[Your Address]

ATTN: Solid Waste Program Manager
4244 International Parkway
Suite 104
Atlanta, Georgia 30354

RE: Proposed [MSWDF or horizontal expansion of an existing MSWDF name] – New Municipal Solid Waste Landfill in [County Name]

To Whom it May Concern:

This letter serves to reaffirm of our intent to continue with the permitting process for the proposed [MSWDF or a horizontal expansion of an existing MSWDF name] located at [site address] in [county name]. We have concluded the Facility Issues Negotiation (FIN) process meetings as required by O.C.G.A. § 12-8-32 and were [specify able or not able] to reach consensus with the negotiating parties. As such, it is our intent to continue/not continue with the permitting process.

Concessions include [list any concessions]:

These concessions will be reflected in subsequent permit application documents.

Sincerely,

[Print Name]

[Title]

Appendix 12.6, Facility Issues Negotiation Process Checklist

The following Facility Issues Negotiation (FIN) process checklist is intended for use by the Applicant and Host Local Government (as applicable) in the event a valid, signed petition is received following the public meeting (Public Meeting #3: EPD Site Suitability Determination Meeting) regarding EPD’s site suitability determination for a proposed new municipal solid waste disposal facility (MSWDF) or horizontal expansion of an existing MSWDF. For complete, specific details, refer to Step Four: Facility Issues Negotiation Process.

| 1. FIN PROCESS INITIATION AND PETITION VALIDATION | | |
|--|--------------------------|--------------------------|
| | YES | NO |
| A. Was a written petition received by the Host Local Government within 30 days following the public meeting (Public Meeting #3) regarding EPD’s site suitability determination? <i>Ref: O.C.G.A. § 12-8-32(f)</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Was petition validated by the Host Local Government within 15 days upon receiving the petition? <i>Ref: O.C.G.A. § 12-8-32(g)</i> i. The petition must consist of 25 affected persons, at least 20 of whom are registered voters or landowners in the jurisdiction of the Host Local Government. | <input type="checkbox"/> | <input type="checkbox"/> |
| C. If no petition was received, or if it was invalid, did the Host Local Government notify EPD that FIN process was completed? <i>Ref: O.C.G.A. § 12-8-32(g)</i> | <input type="checkbox"/> | <input type="checkbox"/> |

| 2. PUBLIC NOTIFICATION OF FIN PROCESS | | |
|--|--------------------------|--------------------------|
| | YES | NO |
| A. Did the Host Local Government issue a public notice (Public Notice #12.2) within 15 days of petition validation notifying the petitioners, the public, the Applicant, EPD, and the regional commission that the FIN process was initiated? <i>Ref: O.C.G.A § 12-8-32(h)</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Did the Host Local Government schedule the first FIN meeting to be held within 30 days of petition validation? Were the details of this meeting (date, location, and time) included in the public notice (Public Notice #12.2)? <i>Ref: O.C.G.A. § 12-8-32(h)</i> | <input type="checkbox"/> | <input type="checkbox"/> |

| 3. CITIZENS FACILITY ISSUES COMMITTEE | | |
|---|--------------------------|--------------------------|
| | YES | NO |
| A. Did petitioners form a citizens facility issues committee within 15 days of petition validation? <i>Ref: O.C.G.A. § 12-8-32(i)</i> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | |
|---|--|--|
| i. Petitioners must select up to 10 members, at least eight of whom are registered voters or landowners in the jurisdiction of the Host Local Government. | | |
|---|--|--|

| 4. NEGOTIATION PROCESS FACILITATOR | | |
|---|--------------------------|--------------------------|
| | YES | NO |
| A. Did Host Local Government receive a list of potential negotiation process facilitators (Facilitator) from the Georgia Department of Community Affairs? <i>Ref: O.C.G.A. § 12-8-32(j)</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Did Host Local Government consult with citizens facility issues committee to select the Facilitator? <i>Ref: O.C.G.A. § 12-8-32(j)</i> | <input type="checkbox"/> | <input type="checkbox"/> |

| 5. FIN MEETING(S) | | |
|---|--------------------------|--------------------------|
| | YES | NO |
| A. Were at least three FIN meetings scheduled and held, unless waived by consent of the parties, by the Host Local Government within a 45-day period? <i>Ref: O.C.G.A. § 12-8-32(k)</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Were minutes of each meeting and the negotiation process recorded by the Host Local Government? <i>Ref: O.C.G.A. § 12-8-32(l)</i> | <input type="checkbox"/> | <input type="checkbox"/> |

| 6. PUBLIC NOTIFICATION OF FIN MEETING(S) RESULTS | | |
|---|--------------------------|--------------------------|
| | YES | NO |
| A. Was a notice (Public Notice #12.3) of the results of the FIN meeting(s) issued by the Facilitator? <i>Ref: O.C.G.A. § 12-8-32(n)</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Did the Applicant and/or Host Local Government schedule a public meeting (Public Meeting #12.3) to receive input of persons not represented by the citizens facility issues committee be held within 10 days after the notice of the results of the FIN meeting(s)? Were details of this meeting (date, location, and time) included in the public notice (Public Notice #12.3)? <i>Ref: O.C.G.A. § 12-8-32(n)</i> | <input type="checkbox"/> | <input type="checkbox"/> |

| 7. PUBLIC MEETING WITH UNREPRESENTED PARTIES | | |
|--|--------------------------|--------------------------|
| | YES | NO |
| A. Did the Applicant and/or Host Local Government facilitate the public meeting [Public Meeting #12.3: Results of FIN Meeting(s)] to receive the | <input type="checkbox"/> | <input type="checkbox"/> |

| | | |
|--|--|--|
| input of persons not represented by the citizens facility issues committee? <i>Ref: O.C.G.A. § 12-8-32(n)</i> | | |
|--|--|--|

| 8. CONCESSIONS REDUCED TO WRITING AND RESOLUTION ADOPTION | | |
|---|--------------------------|--------------------------|
| | YES | NO |
| A. Was a negotiation concession reached by the parties? <i>Ref: O.C.G.A. § 12-8-32(o)</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Was the negotiation concession reduced to writing? <i>Ref: O.C.G.A § 12-8-32(o)</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| C. Was the writing memorializing the negotiation concession executed by the chairman of the citizens facility issues committee and the chief elected official of the Host Local Government? <i>Ref: O.C.G.A. § 12-8-32(o)</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| D. Did the Host Local Government adopt by resolution the writing memorializing the negotiated concession? <i>Ref: O.C.G.A. § 12-8-32(o)</i> | <input type="checkbox"/> | <input type="checkbox"/> |

| 9. EPD NOTIFICATION BY FACILITATOR | | |
|--|--------------------------|--------------------------|
| | YES | NO |
| A. Did the Facilitator notify EPD in writing that the negotiating parties either reached or failed to reach consensus? <i>Ref: O.C.G.A. § 12-8-32(p); 12-8-32(q)</i> | <input type="checkbox"/> | <input type="checkbox"/> |

| 10. PERMIT APPLICATION CONTINUATION NOTIFICATION | | |
|---|--------------------------|--------------------------|
| | YES | NO |
| A. Did Applicant notify EPD in writing of intent to continue permit application and that the negotiation process is complete? <i>Ref: O.C.G.A. § 12-8-32(s)</i> | <input type="checkbox"/> | <input type="checkbox"/> |

Appendix 13, Example Letter: Notification of Design and Operational Plan Review Completion

[Name of Applicant Responsible Official]
[Applicant Entity Name]
[Address Line 1]
[Address Line 2]

[Date]

**SUBJECT: Notification of Design and Operational Plan Review Completion
[Proposed MSWDF or a horizontal expansion of an existing MSWDF name]
Permit Application Number: [XXXXXX]**

Dear [Name of Application Responsible Official]:

The Environmental Protection Division (EPD) has completed a review of the Design and Operational Plan for the proposed [MSWDF or a horizontal expansion of an existing MSWDF name] located at [site address] in [county name] submitted on [date of review]. This letter serves to notify you that it is now appropriate to request letters from the applicable local governments reaffirming that the Design and Operational Plan, as approved by EPD, is in compliance with the following:

1. Local zoning and/or land use ordinances (Host Local Government only)
2. The (local/regional) solid waste management plan originally certified at the time of the application (Host Local Government and Contributing Local Government(s))

The Host Local Government/Contributing Local Government(s) should also reaffirm its active involvement in and strategy for meeting the statewide goal of waste reduction.

The letter from the Host Local Government should specifically include a statement that it has provided a mechanism to collect the cost reimbursement fees for each ton of municipal solid waste received at the proposed MSWDF or horizontal expansion of an existing MSWDF.

Please also submit financial responsibility documentation at this time.

Lastly, this letter also serves to notify you that it is time to post notice and facilitate a final public hearing in accordance with O.C.G.A. § 12-8-24(d) and Rule 391-3-4-.03(4).

If you have any questions or require additional information, please contact me at [(XXX) XXX-XXXX].

Sincerely,

[Engineer Name]
[Title]
Solid Waste Management Program

Appendix 14, Letter #4: Host Local Government Consistency Reaffirmation Letter

[Please use Host Local Government letterhead]

[Your Name]

[Your Address]

[Date (Must be dated after Notification of Design and Operational Plan Review Completion letter)]

ATTN: Solid Waste Program Manager
4244 International Parkway
Suite 104
Atlanta, Georgia 30354

RE: Proposed [MSWDF or horizontal expansion of an existing MSWDF name] – New Municipal Solid Waste Landfill in [County Name]

To Whom it May Concern:

In my official capacity as [title] of [Host Local Government], I am reaffirming the Design and Operational Plan, as approved by EPD, for the proposed [MSWDF or a horizontal expansion of an existing MSWDF name] located at [site address] in [county name] remains consistent with the local zoning and/or land use ordinances and with the solid waste management plan originally certified at the time of the application. Further, I am reaffirming that [Host Local Government] is actively involved in a strategy for meeting the statewide goal of waste reduction.

[Host Local Government] has established a mechanism to collect the cost reimbursement fees for each ton of municipal solid waste received the proposed [MSWDF or a horizontal expansion of an existing MSWDF name].

Sincerely,

[Print Name]

[Title]

Appendix 15, Letter #5: Contributing Local Government Consistency Reaffirmation Letter

[Please use Contributing Local Government letterhead]

[Your Name]

[Your Address]

[Date (Must be dated after Notification of Design and Operational Plan Review Completion letter)]

ATTN: Solid Waste Program Manager
4244 International Parkway
Suite 104
Atlanta, Georgia 30354

RE: Proposed [MSWDF or horizontal expansion of an existing MSWDF name] – New Municipal Solid Waste Landfill in [County Name]

To Whom it May Concern:

In my official capacity as [title] of [Contributing Local Government], I am reaffirming the Design and Operational Plan, as approved by EPD, for the proposed [MSWDF or a horizontal expansion of an existing MSWDF name] located at [site address] in [county name] remains consistent with the solid waste management plan originally certified at the time of the application. Further, I am reaffirming that [Contributing Local Government] is actively involved in and has a strategy for meeting the statewide goal of waste reduction.

Sincerely,

[Print Name]

[Title]

Appendix 16, Public Notice #6: Final Public Hearing

[To be published 30 days prior to final public hearing]

In accordance with Section 12-8-24(d) of the Georgia comprehensive Solid Waste Management Act, as amended, [name of Host Local Government] will hold a final public hearing regarding the issuance of a permit for the proposed new municipal solid waste disposal facility (MSWDF) [or horizontal expansion for an existing MSWDF (if applicable)] located at [location of the site].

The final public hearing will be held on [weekday, time and date] to receive citizen input on the proposed municipal solid waste disposal facility. The final public hearing will be held at [location of the meeting].

Public Notice Guidance:

- 1. Notice of such hearing shall be posted at the proposed site and advertised in a newspaper of general circulation serving the county or counties in which the proposed site will be located, at least 30 days prior to the public hearing. A typed copy of the hearing transcript must be submitted to the Division for review.*
- 2. A copy of the notice as printed in the newspaper of general circulation, and any supporting documentation must be submitted as part of the permit application package. Applicants are only required to post a newspaper notice but are encouraged to also distribute notices in other ways including electronic newsletters, web posting, and social media. The Applicant is responsible for ensuring that all required documentation is submitted to EPD, even if it is the responsibility of another party to procure the documentation.*