ADMINISTRATIVE PROCEDURES

AND

PUBLIC PARTICIPATION REQUIREMENTS FOR

NEW MUNICIPAL SOLID WASTE LANDFILLS

EPD Solid Waste Permitting - Guidance Document

November 1993

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Permitting Requirements

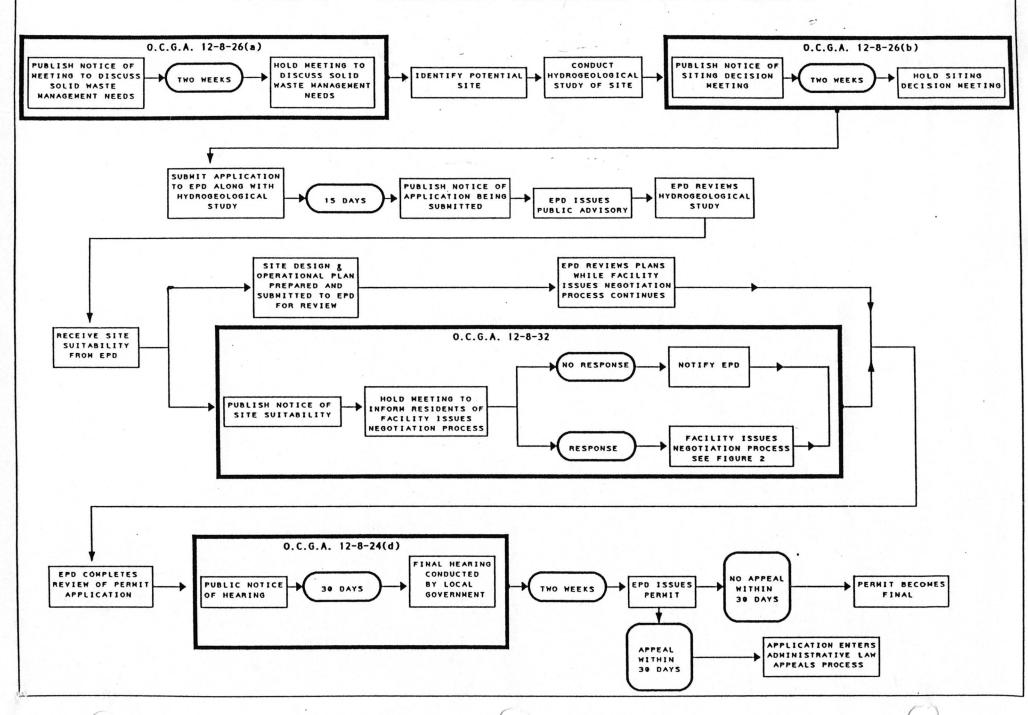
O.C.G.A. 12-8-24(a) of the Georgia Comprehensive Solid Waste Management Act and Chapter 391-3-4-.02 of the Rules for Solid Waste Management both require that no person engage in solid waste handling or construct or operate a solid waste handling facility without first obtaining a permit from the Director of the Georgia Environmental Protection Division (EPD) authorizing such activity. The solid waste permitting process includes compliance with both technical design and operating conditions, as well as administrative requirements.

O.C.G.A. 12-8-23(1)(B) of the Act 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. The following guidance discusses the administrative procedures and the requirements for public participation during the permitting of a municipal solid waste landfill (MSWLF). The guidance document includes sample public notices, calendars and form letters to assist the applicant in meeting these requirements.

I. WASTE MANAGEMENT NEEDS MEETING

The permitting procedures for a new municipal solid waste landfill (MSWLF) are outlined in Figure 1. The process begins with public participation. Any city, county, group of counties or authority beginning the process to select a site for a MSWLF must first call a "public needs" meeting to discuss the waste management needs of the local government or region and to describe the siting process to be followed. The notice of the public needs meeting (see Example 1) must be published at least once per week for two weeks immediately preceding the date of the meeting in a newspaper of general circulation serving such municipality or county. Calendar 1 illustrates the proper time for advertising the notice. If the proposed facility will serve a regional solid waste management authority established in accordance with O.C.G.A.12-8-53, the notice procedure discussed above must be conducted in each jurisdiction participating in such authority. The public needs meeting is not required to be held if the proposed facility is to be privately owned.

FIGURE 1: PERMITTING PROCEDURES FOR NEW MSWL'S



EXAMPLE I: WASTE MANAGEMENT NEEDS NOTICE

NOTICE OF PUBLIC MEETING

In accordance with Section 12-8-26(a) of the Georgia Comprehensive Solid Waste Management Act, [name of local government] will hold a public meeting to discuss waste management needs of [name of local jurisdiction] and to describe the process for siting a solid waste disposal facility. The meeting will be held at [time] on [weekday and date] at the [location].

CALENDAR I -

WASTE MANAGEMENT NEEDS MEETING ADVERTISEMENT

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						·
1	2	3	4 Advertise once - 1st week	5	6	7
8	9	10	11 Advertise once - 2nd week	12	13	14
15	16	17	18 Solid Waste Management Needs Meeting	19	20	21
22	23	24	25	26	27	28
29	30	31				

^{*} This calendar is for illustration purposes only. The meeting can be held any day of the week or date of the month.

II. SITING DECISION MEETING

The next public participation step in the process is the siting decision meeting. The governing authority of any county or municipality taking action resulting in a municipal solid waste disposal facility siting decision must take such action in a public siting decision meeting. Notice of the meeting (see Example II) must be published in a newspaper of general circulation serving such city or county at least once per week for two weeks immediately preceding the date of such meeting (see Calendar II). The notice of such meeting must state the time, place, and purpose of the meeting. The siting decision meeting must be conducted by the governing authority taking the action. Siting decisions include, but are not limited to, such activities as the final selection of the property for landfilling and the execution of contracts or agreements pertaining to the location of the MSWLF within the jurisdiction, but do not include zoning decisions. The siting decision meeting is required for both publicly and privately owned MSWLFs if any action by the local governing authority is required.

III. SUBMISSION OF APPLICATION

When all the applicable material is gathered, an "Application For Solid Waste Handling Permit and Request For Site Suitability (SWM-0)" can be submitted to the Division. The permit application must be accompanied by a statement that the applicant either owns the property on which the MSWLF is to be located or has the permission of the owner to use the property for a MSWLF; in the case of a regional landfill or a landfill serving more than one county, a list of the areas to be served; written verification of zoning compliance as required by Rule 391-3-4-.05(1)(a); and, a site assessment report demonstrating the suitability of the site for construction and operation of a landfill.

Upon submission of an application for a proposed MSWLF, the applicant must within 15 days (see Calendar III) publish a public notice (see Example III) of the application submittal in the following manner. If the application is for a facility serving no more than one county, the public notice must be published in a newspaper of general circulation serving the host county. Each local government in the county and the regional development center must be further notified in writing of the permit application. If the application is for a facility serving more than one county, the public notice must be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional development center must be further notified in writing of the permit application. In both cases, the public notice must be prominently displayed in the courthouse of each notified county.

EXAMPLE II: SITING DECISION MEETING

NOTICE OF PUBLIC MEETING

In accordance with Section 12-8-26(b) of the Georgia Comprehensive Solid Waste Management Act, the [name of local government] will hold a public meeting to make a siting decision concerning the municipal solid waste landfill proposed to be located on [location of the site]. The meeting will be held at [location of the meeting] on [weekday and date] at [time].

CALENDAR II -

SITING DECISION MEETING

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11 Advertise once- ist week	12	13	14
15	16	17	18 Advertise once - 2nd week	19	20	21
22	23	24	25 Siting Decision Meeting	26	27	28
29	30	31				

^{*} This calendar is for illustration purposes only. The meeting can be held any day of the week or date of the month.

EXAMPLE III: SUBMISSION OF APPLICATION

PUBLIC NOTICE

In accordance with Section 12-8-32(a) of the Georgia Comprehensive Solid Waste Management Act, notice is hereby provided that [name of applicant] on [date] submitted an application for a solid waste handling permit for the solid waste disposal facility proposed to be located on [location of the site] to the Environmental Protection Division of the Georgia Department of Natural Resources.

CALENDAR III -

PUBLICATION OF APPLICATION SUBMISSION

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16 Submit Solid Waste Application	17	18	19	20	21
22	23	24 <	Advertise Application Submission within 15 days	25 >	27	28
29	30	31				

^{*} This calendar is for illustration purposes only. Application can be made any day of the week or date of the month.

IV. FACILITY ISSUES NEGOTIATION PROCESS

EPD will review the application and supporting data, make a determination as to the suitability or unsuitability of the proposed site for a MSWLF, and notify the applicant (and the host local government if different from the applicant) in writing of its determination. If the proposed site is unsuitable, EPD will notify the applicant and the host local government and the process will end. If EPD notifies the applicant and the host local government that the proposed site is suitable, then the local notification and negotiation process must be initiated as outlined in O.C.G.A. 12-8-32.

The local notification and negotiation process outlined in O.C.G.A. 12-8-32 begins with the applicant's receipt from EPD of notice that the proposed site is suitable for a MSWLF. The site suitability notice from EPD will contain specific site limitations that must be utilized by the applicant in the design of the MSWLF. Upon receipt of the site suitability notice, the applicant must within 15 days (see Calendar IV) publicize the fact by public notice (see Example IV) in the following manner. If the application is for a facility serving no more than one county, the public notice must be published in a newspaper of general circulation serving the host county, and each local government in the county and the regional development center further notified in writing of the receipt of the site suitability notice. If the application is for a facility serving more than one county, the public notice must be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional development center notified in writing. In both cases the public notice must be prominently displayed in the courthouse of each notified county.

Within 45 days of receipt of the site suitability notice from EPD (see Calendar IV), the host local government for the proposed site must advertise (see Example V) and hold a public meeting to inform affected residents and landowners in the area of the proposed site of the opportunity to engage in a facility issues negotiation process. The public meeting advertisement must be in the same manner as described above for receipt of site suitability. There is no prohibition against combining the meeting advertisement with the site suitability public notice, provided the combined notice is published within the 15 day limit (see Example VI).

Following the notification by EPD of the proposed site's suitability and during the local notification and negotiation process, the applicant may proceed with the design of the proposed MSWLF in accordance with the criteria outlined in Rule 391-3-4-.07. After completion, the design and operational plan for the proposed MSWLF may be submitted to EPD for review. EPD will initiate and continue to review the applicant's permit application, including but not limited to the design and operational plan, but no action with respect to permit issuance or denial can be taken until such time as the local notification and negotiation processes have been exhausted. EPD will not be a party to the negotiation process. Technical environmental issues which are required by O.C.G.A. 12-8-20 and Chapter 391-3-4 cannot be considered negotiable items in the facility issues negotiation process.

CALENDAR IV - FACILITY ISSUES NEGOTIATION PROCESS

PUBLICATION OF RECEIPT OF SITE SUITABILITY NOTICE AND ADVERTISEMENT OF PUBLIC MEETING

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Receipt of Site Suitability Notice	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17 Advertise notice within 15 days of receipt	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8 Advertise meeting within 45 days of receipt	9>	10	11
12	13	14	15	16 Facility Issues Negotiation Process Public Meeting	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

^{*} This calendar is for illustration purposes only. The meeting may be held on any day within 45 days of receipt of site suitability.

EXAMPLE IV: RECEIPT OF SITE SUITABILITY NOTICE

PUBLIC NOTICE

In accordance with Section 12-8-32(c) of the Georgia Comprehensive Solid Waste Management Act, PUBLIC NOTICE is hereby served that [name of applicant] has received a site suitability notice from the Environmental Protection Division of the Georgia Department of Natural Resources for the proposed municipal solid waste landfill located at [proposed site location].

EXAMPLE V: FACILITY ISSUES NEGOTIATION PROCESS

NOTICE OF PUBLIC MEETING

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 [MSWLF site] of the opportunity to engage in a facility issues negotiation process. The meeting will be held at [location of the meeting] on [weekday and date] at [time].

EXAMPLE VI: FACILITY ISSUES NEGOTIATION PROCESS - COMBINED NOTICE

PUBLIC NOTICE

In accordance with Section 12-8-32(c) of the Georgia Comprehensive Solid Waste Management Act, PUBLIC NOTICE is hereby served that [name of applicant] has received a site suitability notice from the Environmental Protection Division of the Georgia Department of Natural Resources for the proposed municipal solid waste landfill 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 [MSWLF site] of the opportunity to engage in a facility issues negotiation process. meeting will be held at [location of the meeting] on [weekday and date] at [time].

^{*}This notice is for illustration purposes only.

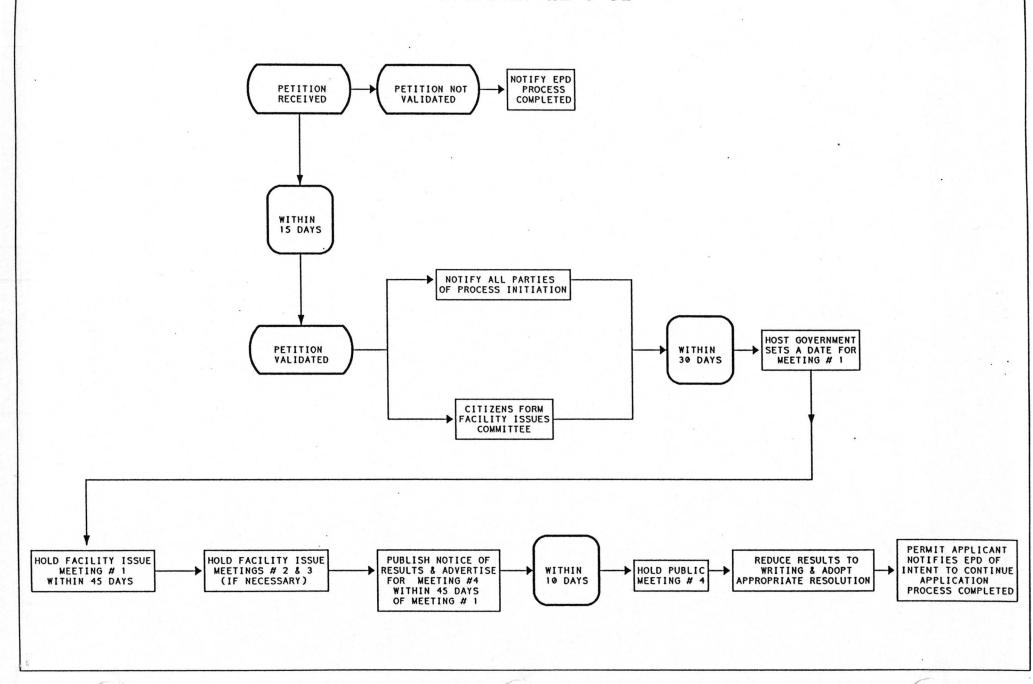
If within the 30 days following the negotiation process public meeting described above, a written petition is received from at least 25 affected persons (at least 20 of whom must be registered voters or landowners in the host jurisdiction), the facility issues negotiation process must be initiated by the host local government. An "affected person" means a registered voter of the host local government or of a county contiguous to such host local government or a landowner within the jurisdiction of the host local government. Multiple petitions may be consolidated into a single negotiating process. The facility issues negotiation process is described in O.C.G.A. 12-8-32 and outlined in *Figure 2*. If no petition is received within the 30 days, the host local government must notify EPD and the permitting process will continue.

Within 15 days following the receipt of a written petition, the host local government must validate the petition to ensure that petitioners meet the requirements. Within 15 days following the validation of the petition, the host local government must:

- (1) Notify the petitioners (and the public) by publication, as follows, that the negotiation process is being initiated:
 - (a) For facilities serving only one county, the public notice must be published in a newspaper within that host county, and the RDC and other local governments in the county must be notified in writing;
 - (b) For facilities serving more than one county, the public notice must be published in a newspaper within each affected county and each local government, and the RDC be notified in writing; and
 - (c) Each public notice must be displayed in the courthouse of each notified county.
- (2) Notify the permit applicant, if different from the host local government, and EPD that the negotiation process is being initiated; and
- (3) Set a date for a meeting with the citizen facility issues committee to be held no later than 30 days following validation of the petition.

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 host local government's jurisdiction, to serve on a citizens facility issues committee to represent them in the negotiation process. The negotiation process must be overseen by a facilitator named by the host local government, after consultation with the citizens facility issues committee, from a list provided by the Department of Community Affairs. The facilitator will assist the petitioners and the host local government through the negotiation process. The cost, if any, of the facilitator is the responsibility of the permit applicant. Beginning with the first negotiation meeting, there must be no fewer than three negotiation meetings within the following 45 day period unless waived by consent of the parties. The host local government must take minutes and maintain a record of the negotiation process.

FIGURE 2: FACILITY ISSUES NEGOTIATION PROCESS 0.C.G.A. 12-8-32



At the end of the 45 day period following the first negotiation meeting, the facilitator must publish a notice of the results, if any, of the negotiation process utilizing the notice procedures outlined above, and include the date, time, and place of a final public meeting to be held within ten days after publication. This final meeting will allow for the input of persons not represented by the citizens facility issues committee. The facilitator must notify EPD in writing as to whether the negotiating parties have reached a consensus or failed to reach a consensus. Any agreements reached by the negotiating parties must be placed in writing and executed by the chairman of the citizens facility issues committee and the chief elected official of the host local government, and must be adopted by resolution of the host local government. Whether or not the negotiating parties reach agreement on any issue or issues, the permit applicant may proceed to seek a permit from EPD.

If the negotiation process has been entered into, EPD cannot proceed with a final permitting decision until after receipt of written notification from the facilitator that the facility issues negotiation process has been concluded, and written notification from the permit applicant that he wishes to pursue permitting of the MSWLF for which the application has been filed. There are no provisions in the law for extending any deadlines in the facility issues negotiation process. The process must proceed on schedule.

V. FINAL PUBLIC HEARING

The governing authority of the county or municipality must hold a public hearing not less than two weeks prior to the issuance of the permit for the municipal solid waste landfill. The notice of the hearing (see Example VII and Calendar V) must 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 EPD for review. EPD will review the comments and address any environmental or public health issues that are regulated by O.C.G.A. 12-8-20 and Chapter 391-3-4.

Prior to issuance of the permit for the MSWLF, written verification must be furnished by the applicant stating that the proposed site is still in compliance with local zoning or land use ordinances, if any. Similar verification (see Letter 1) was submitted with the initial application but must be reaffirmed in the event zoning or land use ordinances have changed during the permitting process. Also, prior to permit issuance, the applicant must submit verification (see Letter 2) that the proposed MSWLF is consistent with the approved local or regional solid waste management plan developed in accordance with O.C.G.A. 12-8-31.1 and that the host jurisdiction and the jurisdictions (see Letter 3) generating solid waste destined to the MSWLF can demonstrate that they are actively involved in and have a strategy for meeting the state wide goal of waste reduction by July 1, 1996.

EXAMPLE VII: FINAL PUBLIC HEARING

NOTICE OF PUBLIC HEARING

In accordance with Section 12-8-24(d) of the Georgia comprehensive Solid Waste Management Act, as amended, [name of local government] will hold a public hearing regarding the issuance of a permit for the proposed [name of the site] located at [location of the site]. The hearing will be held on [weekday, time, and date] to receive citizen input on the proposed municipal solid waste landfill. The public hearing will be held at [location of the meeting].

CALENDAR V -

FINAL PUBLIC HEARING

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Publish Notice is Newspaper and On Site	2	3	4	5	6	7
Б	9	1D	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	25
29	30	31 PUBLIC HEARING				

^{*} This calendar is for illustration purposes only. The meeting can be held any day of the week or date of the month, provided at least 30 days elapse from the publication of the notice and posting at the landfill site.

EXAMPLE - LETTER #1

[Local Government name and address]

{date}

Mr. James Dunbar, Program Manager 4244 International Parkway, Suite 104 Atlanta, Georgia 30354

RE:

Proposed [MSWL name] -Municipal Solid Waste Landfill

Dear Mr. Dunbar:

The [proposed MSWL] located at [site location] complies with local zoning and land use ordinances, if any.

Sincerely,

[Local Government Official]

EXAMPLE - LETTER #2

[Local Government name and address]

{date}

Mr. James Dunbar, Program Manager 4244 International Parkway, Suite 104 Atlanta, Georgia 30354

RE:

Proposed [MSWL name] -Municipal Solid Waste Landfill

Dear Mr. Dunbar:

In my official capacity as [title] of [jurisdiction], I have reviewed the approved Solid Waste Management Plan adopted by [jurisdiction] on [date of adoption] and determined that the proposed [facility name] is consistent with that plan. I further certify that [jurisdiction] is actively involved in and has a strategy for meeting the statewide goal of waste reduction by July 1, 1996.

Sincerely,

[Local Government Official]

EXAMPLE - LETTER #3

[Local Government name and address]

{date}

Mr. James Dunbar, Program Manager 4244 International Parkway, Suite 104 Atlanta, Georgia 30354

RE:

Proposed [MSWL name] -

Municipal Solid Waste Landfill

Dear Mr. Dunbar:

In my official capacity as [title] of [jurisdiction], I hereby certify that [jurisdiction] is actively involved in and has a strategy for meeting the Georgia's statewide goal of waste reduction by July 1, 1996.

Sincerely,

[Local Government Official]

When the applicant has completed and met all the requirements in O.C.G.A. 12-8-20 and Chapter 391-3-4 for a solid waste handling permit for a MSWLF, the Director of EPD can issue the permit to construct and operate the proposed MSWLF under the conditions set forth in the permit. This permit cannot be issued until at least two weeks after the final public hearing. Once the solid waste handling permit is issued, the Director will notify the legal organ and the chief elected official of the host local government in which the facility is to be located.

Although not required by law, EPD will often conduct a public hearing or meeting if requested by the public. This meeting is in addition to the hearing required in O.C.G.A. 12-8-24(d). If such a hearing/meeting is conducted, at least 30 days notice will generally be provided. No decision will be made on the application until after comments from such a hearing/meeting have been reviewed.

VI. PERMIT APPEALS

All final permitting decisions, whether for issuance or denial of a requested permit, are subject to appeal. Upon issuance of the solid waste handling permit, the applicant may proceed with construction of the facility. During the first thirty days after issuance, however, the permit may be appealed for administrative review. If no appeal is received the permit becomes final. If 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 appointed by the Board of Natural Resources. For further information on the appeal process, the DNR Administrative Hearing Clerk should be contacted at 404/656-3508.

VII. EPD REVIEW PROCESS

Because public participation activities occur throughout the permitting process, EPD will conduct a thorough review of the permitting file immediately prior to permit issuance to verify that all required activities have been completed. However, since the correction of deficiencies at this point in time would significantly delay permitting, permit applicants are requested to submit documentation of their public participation activities at various milestones during the permitting process. The attached "Public Participation Documentation Checklist" summarizes these permitting milestones and the documentation considered most appropriate for demonstrating compliance. Other forms of documentation than those listed may be acceptable to EPD on a case-by-case basis.

VIII. SUMMARY

The preceding guidance is provided to assist permit applicants in meeting the minimum requirements of the Comprehensive solid Waste Management Act and the Rules. Meeting these minimum requirements does not necessarily constitute effective public participation. Applicants are encouraged to actively involve the public in the decision making process needed to implement effective solid waste management systems. For further assistance in implementing effective public participation programs, applicants are encouraged to contact the Department of Community Affairs at (404) 656-3851.

The U.S. Environmental Protection Agency also has an excellent publication on this subject entitled "Sites for Our Solid Waste - A Guidebook for Effective Public Involvement", EPA/530-SW-90-019, March 1990. Copies may be obtained by contacting EPA's RCRA Hotline at 1-800/424-9346.

PUBLIC PARTICIPATION DOCUMENTATION CHECKLIST		
	Yes	No
UPON APPLICATION SUBMISSION A. Waste management needs meeting (publicly owned facilities only)		
* Affidavits from publisher or actual newspaper clippings of advertisements.		
* Minutes of meeting or affidavit that meeting was held.		
B. Siting decision meeting		
* Affidavit from publisher or actual newspaper clippings of advertisements.		
* Minutes of meeting or affidavit that meeting was held.		
II. THIRTY DAYS AFTER APPLICATION SUBMISSION A. Application public notification		
* Affidavits from publishers or actual newspaper clippings of notification.		
* List of counties, local goverments, and RDCs notified in writing.		
* Affidavits from local government officials stating notification that public notice was prominently displayed in courthouse of each notified court	ity.	
III. SIXTY DAYS AFTER RECEIPT OF SITE SUITABILITY NOTICE A. Public notification		
* Affidavits from publisher or actual newspaper clippings of notification.		
* List of counties, local goverments, and RDCs notified in writing.		
* Affidavits from local government official stating notification was posted in courthouse.		
B. FACILITIES ISSUES NEGOTIATION PROCESS MEETING		
* Affidavits from publisher or actual newspaper clippings of notification.		
* List of counties, local goverments, and RDCs notified in writing.		
 Affidavits from local government official stating notification was posted in courthouse. 		
IV. WITHIN FIFTEEN DAYS OF VALIDATION OF PETITION A. Public notice of first negotiation meeting with committee		
* Affidavit from publisher or actual newspaper clippings of notification.		
* List of counties, local goverments, and RDCs notified in writing.		
 Affidavits from local government officials stating that public notice was prominently displayed in the courthouse of each notified county. 		

		Yes	No
- 0	 B. Letter to EPD from host local government stating that negotiation process has been intiated. 		
	V. WITHIN 30 DAYS FOLLOWING FINAL PUBLIC MEETING A. Results of negotiation process and announcement of final meeting		
	A. Nesults of negotiation process and announcement of mila meeting		
	* Affidavits from publisher or actual newspaper clippings of notification.		
	* List of counties, local goverments, and RDCs notified in writing.		
	 Affidavits from local government officials stating that public notice was prominently displayed in courthouse of each notified county. 		
	B. Final public meeting		
	* Meeting minutes.		
	C. Resolution of host local government adopting any negotiated concessions.		
	D. Letter from facilitator notifying EPD in writing as to whether the negotiation parties have a consensus or failed to reach a consensus.		
	E. Letter from permit applicant notifying EPD that they wish to pursue permitting of the solid waste disposal facility in the original application.		
	VI. WITHIN 15 DAYS FOLLOWING FINAL PUBLIC HEARING A. Final Public hearing		
	* Affidavits from publisher or actual newspaper clippings of advertisements.	7	
	* Affidavits from local government showing notice posted at the site.		
	* Typed transcript of public comments.		
	B. Zoning and land use ordinances		
	* Reaffirmation letter.		
	C. Solid waste management plan verification		
	* Consistency letter from host local government official.		
	 Waste reduction goal letters from local government officials of each waste-generating jurisdiction. 		