

## Chapter 6 LAND LIMITATION ELEMENT

Georgia requires that municipalities “identify those sites which are not suitable for solid waste handling facilities based on environmental and land use factors” in their SWMP. Not all geographic locations are suitable or desirable for a waste management infrastructure, which may include disposal, composting, recycling, and material recovery facilities.

SWMPs play a key role in planning and managing the potential locations of waste management facilities. The Association of County Commissioners of Georgia has stated:

*Outside of zoning and land-use (ordinances), a SWMP is the only planning document that has specific legal authorization to govern the siting and operation of a solid waste handling facility within a community. The state may not issue any permits, grants, or loans for any MSW disposal facility or any solid waste handling equipment or recycling equipment that is not consistent with a local SWMP. Counties wishing to manage solid waste facilities that are not permitted by the EPD may want to use their plan and local licensing or ordinances to enforce these provisions of their SWMPs.*

The Georgia DNR has multiple rules which address siting limitations and criteria for siting, design, and operating requirements for solid waste handling facilities. In addition, DNR Rule 391-3-4-.05(1)(a) requires that the siting of solid waste handling facilities “must conform to all local zoning/land use ordinances.”

### 6.1 LOCAL PROCEDURES FOR DEMONSTRATING FACILITY CONSISTENCY WITH SOLID WASTE MANAGEMENT PLAN

No solid waste handling facility or expansion to an existing facility can be sited in Augusta without a determination that the proposed facility or expansion is consistent with the current SWMP. The procedure that Augusta and each of the local governments follow to determine whether to issue such a letter is described below.

1. At least 90 days prior to filing for a solid waste handling permit, or notifying EPD in the case of a solid waste handling facility that is permitted by rule, the owner/operator will submit to the County a written statement documenting the following:
  - How the proposed facility or facility expansion will meet the specific goals and/or needs identified in the current Solid Waste Management Plan, including a description of:
    - The impact upon the collection capability within the planning area.
    - The impact upon disposal capacity identified in the planning area.
    - The impact to the waste reduction and recycling efforts within Augusta, specifically how the proposed facility or facility expansion will contribute toward waste reduction in the planning area.

- How the proposed facility or facility expansion and its operation will impact the community. Specifically, it will address:
    - The impact to vehicle traffic and public safety around the proposed facility and throughout the planning area;
    - The impact on natural or cultural resources within the planning area.
    - The impact to the financial viability of the existing solid waste management system within the planning area, both public and private;
    - The impact to individual and business solid waste management rates.
    - The impact on the current solid waste management infrastructure within the planning area, both public and private.
  - Evidence that the proposed facility or facility expansion is sited in a location deemed suitable according to the criteria listed in this plan.
  - Evidence that the proposed facility or facility expansion is sited in an area deemed suitable location consistent with local zoning ordinances.
  - Evidence that the proper public notification was given, including notification of all adjacent property owners.
2. Within 45 days after the written statement from the owner/operator is received, Augusta Engineering Committee will make a recommendation as to whether the proposed facility or facility expansion is consistent with the SWMP. This recommendation will be documented in a letter to the governing body of the jurisdiction in which the proposed facility or facility expansion is sited. To make a determination, the Engineering Committee will conduct a process that at a minimum includes the following:
- Determine if the operation of the proposed facility or facility expansion would be consistent with regulations established by the County for privately operated waste handling and disposal facilities as provided for in County Ordinance
  - Determine the need for the proposed facility or facility expansion, based on projected remaining useful life of existing disposal facilities, will be the initial screen for any finding of consistency with this solid waste management plan. Need will be defined as less than 10 years of disposal capacity remaining, at the time that the request is submitted, in existing disposal facilities recognized in this solid waste management plan. Remaining disposal capacity will be calculated based on an engineering calculation of remaining capacity divided by the annual rate of disposal of in-County and contracted out-of-county waste at the time that the request is submitted given waste reduction programs and performance in place at that time;
  - Determine if the proposed facility or facility expansion is sited in an area deemed unsuitable according to development criteria;
  - Determine if the proposed facility or facility expansion is sited in a location that is consistent with all local zoning ordinances;

- Determine if the proposed facility or facility expansion may negatively impact other natural or cultural resources of the County;
  - Determine if the proposed facility or facility expansion would negatively impact the County's ability to contribute to the state-wide solid waste reduction;
  - Determine if proposed facility or facility expansion may negatively impact the financial viability of the County's solid waste management system
  - Hold at least one public hearing on the proposed facility to gather input regarding the consistency of the facility with the SWMP. This public hearing will be advertised according to local requirements regarding public notification of public hearings;
  - Determine if the proposed facility or facility expansion is properly insured so that closure and post-closure care is assured;
  - Determine if the proposed facility or facility expansion has a mitigation plan above and beyond financial assurance already required;
  - Evaluate the past performance of other waste handling facilities owned or operated by the applicant as a determining factor the feasibility of the new facility or facility expansion. The Committee may recommend withholding approval based on owner or operators past performance;
  - Determine if the proposed facility or facility expansion is in the best interest of public health and safety;
3. The governing body of the jurisdiction in which the proposed facility or facility expansion is sited shall review the written documentation of consistency from the owner/operator, the recommendation of the Engineering Committee, and comments received at the public hearing to determine whether the proposed facility or facility expansion is consistent with the SWMP. Within 30 days of making their determination, the governing body shall notify the facility owner/operator whether the proposed facility or facility expansion is consistent with the Plan. If the governing body of the jurisdiction determines that the proposed facility or facility expansion is consistent with the SWMP, the governing body will issue a letter of consistency.
4. If the governing body of the jurisdiction determines that proposed facility or facility expansion is not consistent with the SWMP, the owner/operator may address the inconsistencies and resubmit their request for another review. This review will follow the process described above in Items 1 through 3.

## 6.2 INVENTORY AND NATURAL ENVIRONMENTAL LIMITATIONS

### 6.2.1 INVENTORY LAND AREAS

Augusta occupies a land area of 207,386 acres, or 324.04 square miles (sq. mi), with an additional 2,823 acres (4.41 sq. mi.) of water area. Augusta straddles the Fall Line, a geological boundary following the Appalachian mountain range from Alabama to New York. In Georgia and South Carolina, the Fall Line