

## ***SPECIAL USE APPLICATION SYNOPSIS***

Petition Number(s): **SU22-03**

### ***APPLICANT INFORMATION AND PROPERTY DESCRIPTION***

Applicant: **Cash Environmental Resources LLC (Kevin Cash)**

Representative: **Brandon Bowen, Esq.**

Property Owner: **3S Investments, LLC**

Property Location: **315 Industrial Park Rd.**

Access to the Property: **Industrial Park Rd.**

#### ***Site Characteristics:***

Tract Size: Acres: **5** District: **5<sup>th</sup>** Section: **3rd** LL(S): **201**

Ward: **6** Council Member: **Taff Wren**

### ***LAND USE INFORMATION***

Current Zoning: **H-I (Heavy Industrial)**

Proposed Zoning: **H-I (Heavy Industrial)**

Proposed Use: **Trash Transfer Station**

Current Zoning of Adjacent Property:

North: **H-I (Heavy Industrial)**

South: **County A1 (Agriculture) & County I-2 (Heavy Industrial)**

East: **H-I (Heavy Industrial)**

West: **H-I (Heavy Industrial)**

The Future Development Map designates the subject property as: **Workplace Center.**

The Future Land Use Map designates the subject property as: **Industrial.**

## **2. City Department Comments:**

**Electric:** Takes no exception

**Fibercom:** Takes no exception

**Fire:** Cartersville Fire Department takes no exceptions to the special use request for property located at 315 Industrial Park Rd provided all adopted codes and ordinances of the city of Cartersville are followed.

**Gas:** Takes no exception

**Public Works:** Public Works does not oppose the special use permit.

**Water and Sewer:** Bartow County Water & Sewer service area.

## **3. Public Comments:**

8/24: Brenda Goolsby, owner, 329 Industrial park Rd. General Questions. Application provided. SU19-07 application and supporting documents also provided via email.

## **4. Special Use Review**

The applicant, Cash Environmental Resources LLC, is requesting a Special Use permit for property identified as 315 Industrial Park Rd (315) in compliance with the zoning requirements for a Waste Transfer Station in the H-I (Heavy Industrial) zoning district. The applicant is proposing a municipal and construction/ demolition waste transfer facility.

In 2019, the applicant in partnership with Regulated Services, LLC, received a special use permit to operate a municipal waste, construction waste and pharmaceutical waste processing and transfer station on the adjacent property at 375 Industrial Park Rd (375). After the permit approval and in consideration of their business needs, the parties agreed that more space should be given to the municipal waste and construction debris operations. The applicant is planning to relocate the municipal and construction waste operations approved with SU19-07 from the 375 site to the 315 site.

Currently, the site is undeveloped and wooded. There is floodplain present on the southern half of the property and the flood ordinance requirements will have to be met.

Per the conceptual site plan, two new structures, 9,600sf. each, are proposed. No encroachment of the floodplain on the southern half of the property is expected. Site development will be addressed during plan review.

GA EPD also has regulatory oversight over this type of operation.

There are no additional Special Use Standards for a Waste Transfer Station beyond the basic standards addressed in the application.

The operation seems appropriate for the H-I zoning district and location.

## **5. Zoning Ordinance Findings**

*Please review the following findings, as stated in the Zoning Ordinance, which are to be utilized in determining justification for approval or denial of special use request(s).*

### **B) Article XVI. Special Uses**

#### **Sec. 16.1. Scope and intent.**

- A. This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval of a Special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.
- B. In granting a Special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.

#### **Sec. 16.2. Application of regulations and approval.**

Uses allowable with a Special use and the minimum standards for such uses are listed in section 16.4 of this article.

Uses in the districts enumerated herein may be authorized by Special use only. The regulations contained in this article shall not apply to any permitted use as a matter of right in any zoning district.

Any use which may be authorized by Special use shall be approved by the Mayor and Council in accordance with section 16.1, scope and intent, provided:

- A. The standards for the Special use as specified herein can be met;
- B. Recommendations have been received from the planning and development staff and other appropriate City departments.
- C. A public hearing has been held in relation to the Special use before the Planning Commission in conformance with the advertising standards outlined in article XXIV of this chapter. The Planning Commission shall make recommendations to the Mayor and Council regarding the application for a Special use; and
- D. A public hearing has been held in relation to the Special use before the Mayor and Council in conformance with the advertising standards outlined in article XXIV of this chapter.

### **Sec. 16.3. Additional restrictions.**

- A. In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site proposed for a use which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special Use permit:
1. The effect of the proposed activity on traffic flow along adjoining streets;
  2. The availability, number and location of off-street parking;
  3. Protective screening;
  4. Hours and manner of operation of the proposed use;
  5. Outdoor lighting;
  6. Ingress and egress to the property; and
  7. Compatibility with surrounding land use.
- B. Any use which may be authorized by special use shall comply with all other City regulations, zoning district regulations and other regulations contained herein, and conditions of zoning approval if applicable. Whenever a standard contained in this section is in conflict with another provision of this chapter, the more restrictive provision shall prevail.

### **6. How General Standards Are Met:**

***Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.***

**How Standard #1 has / will be met: No negative effect to traffic along Industrial Park Rd. is expected. There will be an increase truck traffic once the facility is operational.**

***Standard #2: The availability, location, and number of off-street parking.***

**How Standard #2 has / will be met: Sufficient space exists on site for employee/ client parking.**

***Standard #3: Protective screening.***

**How Standard #3 has / will be met: Not required.**

***Standard #4: Hours and manner of operation:***

**How Standard #4 has / will be met: The business would operate (2) overlapping shifts, Mon. – Fri., 6am – 8pm.**

***Standard #5: Outdoor lighting***

**How Standard #5 has / will be met: No changes to existing conditions required. New lights may be needed for new buildings and will be addressed during plan review.**

**Standard #6:** Ingress and egress to the property.

**How Standard #6 has / will be met:** Primary access is via Industrial Park Rd.

**Standard #7:** Compatibility with surrounding land use.

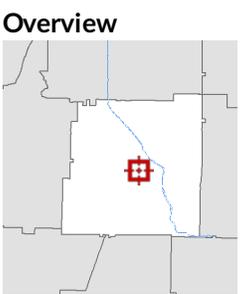
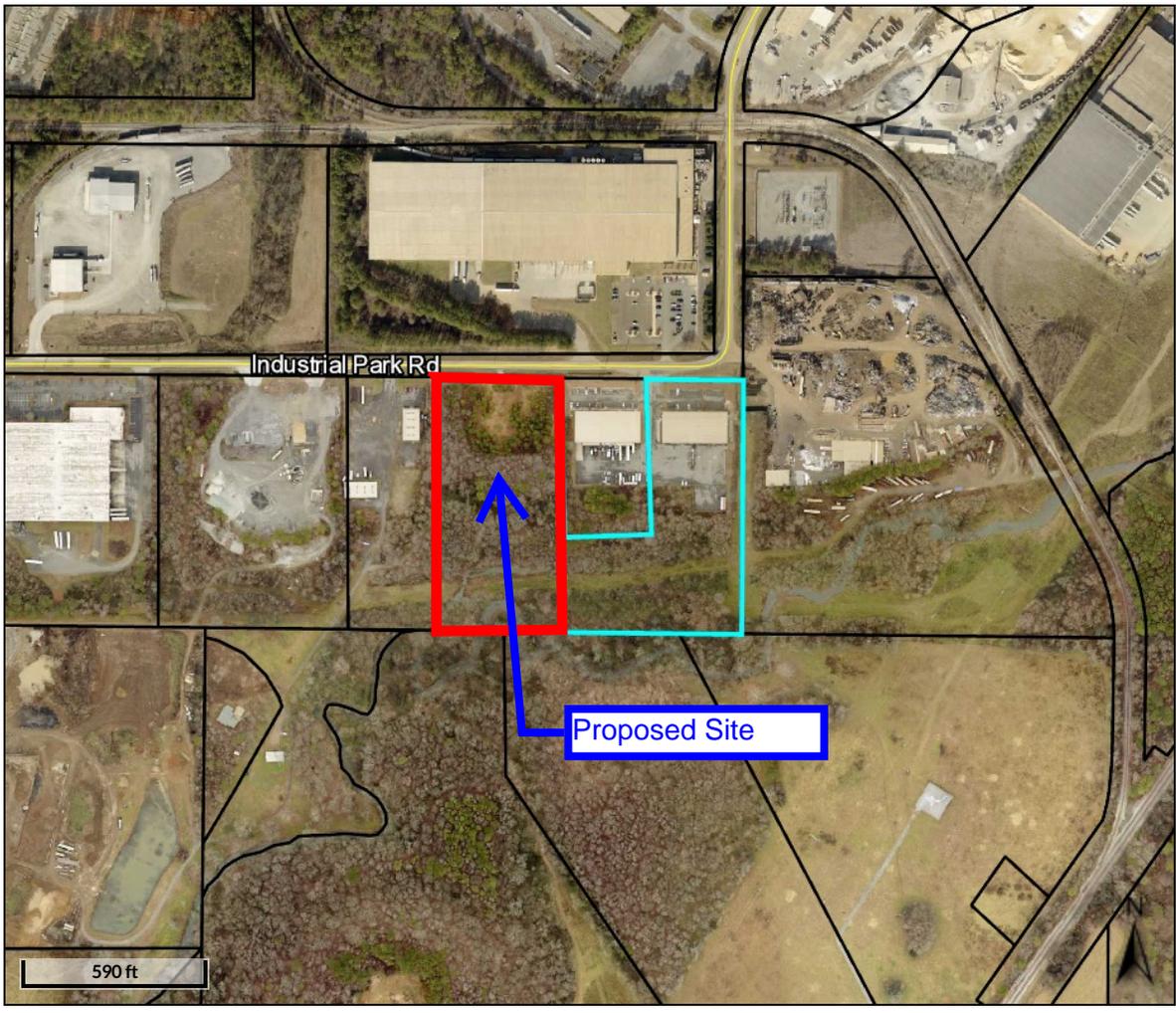
**How Standard #7 has / will be met:** No negative impact to adjacent properties is expected. Brenda Goolsby, owner, 329 Industrial park Rd. did call the P&D office to request information on the application. The application was provided. Two office/warehouse buildings exist on this property with direct driveway access to Industrial Park Rd.

The properties to the south will be buffered approx. 300ft by the flood plain area.

**7. Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:**

N/A

**8. Staff Recommendation:** Staff does not oppose the application.



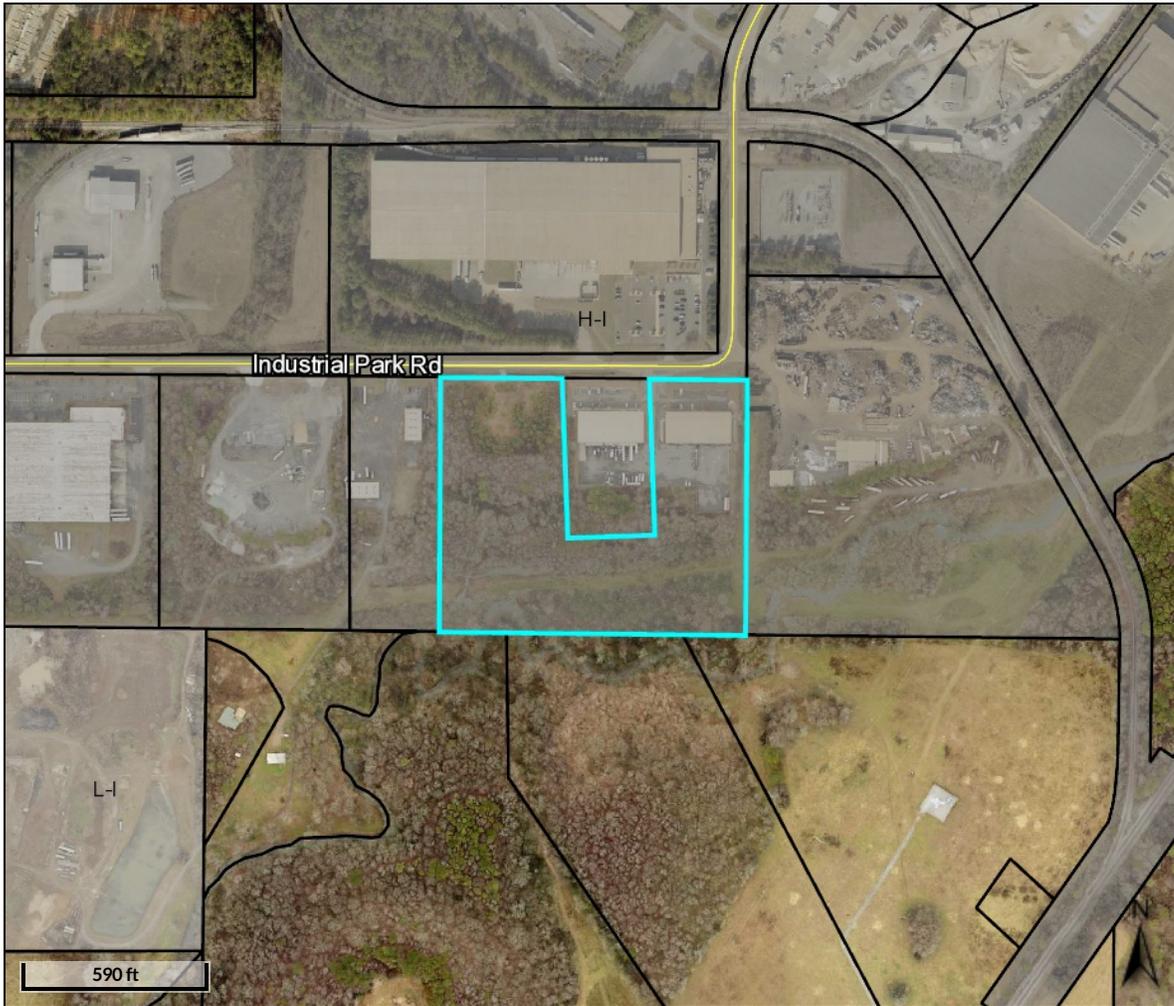
**Legend**  
 □ Parcels  
 — Roads

<b>Parcel ID</b>	C061-0001-004	<b>Alternate ID</b>	36680	<b>Owner Address</b>	3S INVESTMENTS
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Industrial		PO BOX 4087
<b>Property Address</b>	315 INDUSTRIAL PARK RD	<b>Acreage</b>	14.28		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 201 D 5				

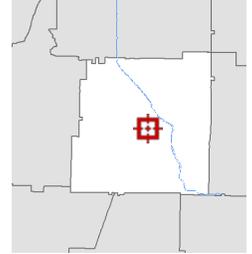
(Note: Not to be used on legal documents)

Date created: 7/27/2022  
 Last Data Uploaded: 7/26/2022 10:21:31 PM

Developed by Schneider  
 GEOSPATIAL



**Overview**



**Legend**

- Parcels
- Roads
- Cartersville Zoning**
- AG
- DBD
- G-C
- G-C\*
- H-I
- H-I\*
- L-I
- L-I\*
- M-U
- M-U\*
- MF-14
- MF-14\*
- MN
- O-C
- O-C\*
- P-D
- P-D\*
- P-I
- P-S
- P-S\*
- R-10
- R-10\*
- R-15
- R-15\*
- R-20
- R-20\*
- R-7
- R-7\*
- R-D
- RA-12
- RA-12\*
- RSL

Parcel ID C061-0001-004  
 Sec/Twp/Rng n/a

Alternate ID 36680  
 Class Industrial

Owner Address 3S INVESTMENTS  
 PO BOX 4087

**Property Address** 315 INDUSTRIAL PARK RD

**Acreage** 14.28

CARTERSVILLE, GA 30120

**District** Cartersville

**Brief Tax Description** LL 201 D 5

(Note: Not to be used on legal documents)

Date created: 7/27/2022

Last Data Uploaded: 7/26/2022 10:21:31 PM

Developed by  Schneider  
GEO SPATIAL

**Application for Special Use**  
City of Cartersville

Case Number: 5022-03  
Date Received: 7/20/22

**Public Hearing Dates:**

Planning Commission 9/6/22 5:30pm    1<sup>st</sup> City Council 9/15/22 7:00pm    2<sup>nd</sup> City Council 10/6/22 7:00pm

Applicant Cash Environmental Resources LLC Office Phone (770) 656-4031  
(printed name)

Address 2859 Paces Ferry Rd., Suite 1150 Mobile/ Other Phone \_\_\_\_\_

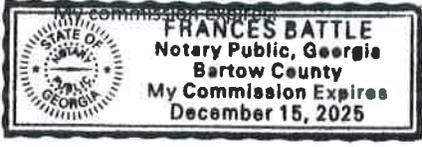
City Atlanta State GA Zip 30339 Email kcash@cashenvironmental.com

Brandon Bowen Phone (Rep) (770) 387-1373  
 Representative's printed name (if other than applicant) Email (Rep) bbowen@jbwpc.com

[Signature] Representative Signature      \_\_\_\_\_ Applicant Signature

Signed, sealed and delivered in presence of:

Francis Battle Notary Public



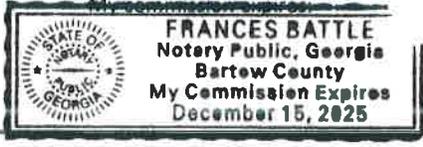
\* Titleholder 3S Investments, LLC Phone \_\_\_\_\_  
(titleholder's printed name)

Address 315 Industrial Park Rd. Email \_\_\_\_\_

Signature [Signature]

Signed, sealed, delivered in presence of:

Francis Battle Notary Public



Present Zoning District H-I

Acreage 14.28 +/- Land Lot(s) 201 District(s) 5 Section(s) 3

Location of Property: 315 Industrial Park Rd.  
(street address, nearest intersections, etc.)

Reason for Special Use Request: Transfer Station

\_\_\_\_\_  
(attach additional statement as necessary)

\* Attach additional notarized signatures as needed on separate application pages.

**Application for Special Use**  
**City of Cartersville**

Case Number: SU 22-03  
Date Received: 7/20/22

**Public Hearing Dates:**

Planning Commission \_\_\_\_\_ 1<sup>st</sup> City Council \_\_\_\_\_ 2<sup>nd</sup> City Council \_\_\_\_\_  
5:30pm 7:00pm 7:00pm

Applicant Cash Environmental Resources LLC Office Phone (770) 656-4031  
(printed name)

Address 2859 Paces Ferry Rd., Suite 1150 Mobile/ Other Phone \_\_\_\_\_

City Atlanta State GA Zip 30339 Email kcash@cashenvironmental.com

Brandon Bowen Phone (Rep) (770) 387-1373  
Representative's printed name (if other than applicant) Email (Rep) bbowen@jwpc.com

\_\_\_\_\_  
Representative Signature Applicant Signature

Signed, sealed and delivered in presence of: \_\_\_\_\_ My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\* Titleholder 35 Investments Phone \_\_\_\_\_  
(titleholder's printed name)

Address 315 Industrial Park Rd. Email \_\_\_\_\_

Signature \_\_\_\_\_

Signed, sealed, delivered in presence of: \_\_\_\_\_ My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Present Zoning District H-I

Acreage 14.28 +/- Land Lot(s) 201 District(s) 5 Section(s) 3

Location of Property: 315 Industrial Park Rd.  
(street address, nearest intersections, etc.)

Reason for Special Use Request: Transfer Station

\_\_\_\_\_  
(attach additional statement as necessary)

**\* Attach additional notarized signatures as needed on separate application pages.**





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# JENKINS, BOWEN & WALKER, P.C.

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ATTORNEYS AT LAW

FRANK E. JENKINS, III  
BRANDON L. BOWEN  
ROBERT L. WALKER  
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July 20, 2022

Mr. David Hardegree  
City Planner  
City of Cartersville

Re: Special Use Permit application for Cash Environmental Resources, LLC

Dear David,

I am writing this letter in support of Cash Environmental Resources' application for a special use permit for a municipal solid waste and construction and demolition debris transfer station. This application is related to application SU19-07, in which the Mayor and Council approved the special use permit for the transfer station and a medical waste facility at 375 Industrial Park Road. Cash Environmental Resources was to operate the transfer station component of that project, while Regulated Services LLC was to operate the medical waste component. This application does not affect the Regulated Services' operation; however, Cash Environmental believes that its transfer station would be better operated on the neighboring property – 315 Industrial Drive. Thus, the purpose of this application is not to create a new transfer station, but rather to allow a previously-approved transfer station to be operated on a different property. I am enclosing both the original site plan that the parties contemplated, and also our current proposed site plan, which shows the transfer station to be located on the 315 Industrial Park Road property if the special use permit is approved. Note that all of this property is in the industrial park and is already zoned H-I, so it is well suited for the operation. I will now address the City's special use permit criteria:

Standard # 1 The Effect of the proposed activity on traffic flow along adjoining streets.

Since this special use permit seeks a relocation of a transfer station that was previously approved for the adjacent site, we do not see that there will be any change in the traffic flow along the adjoining streets. The property fronts on Industrial Park Road, which was designed and built for industrial traffic.

Standard # 2 The availability, number, and location of off-street parking.

A proposed site plan is attached; the property will be designed so that the anticipated industrial traffic parks and can queue on-site.

July 20, 2022

Page 2 of 2

Standard # 3 Protective screening.

Since this property is located in the Industrial Park, protective screening is not appropriate. Note too that the rear half of the property has a flood plain approximately 300 feet wide and is expected to remain undisturbed.

Standard # 4 Hours and manner of operation.

This facility will be operated with 2 overlapping shifts, between 6:00 am and 8:00 pm, Monday through Friday, just as proposed with the original special use permit which was approved. It is anticipated that garbage trucks and construction vehicles will bring waste to the transfer station, where it will be sorted and loaded upon tractor trailers to take for disposal. Waste will not remain uncovered or be allowed to be stored on site. All operations will be in compliance with applicable EPD regulations.

Standard # 5: Outdoor lighting.

Security lighting for employee safety only and will not exceed any limits of the Industrial Park.

Standard # 6 Ingress and egress to the property.

The property fronts on Industrial Park Road is readily accessible by Highway 411 / 61 to Interstate 75.

Standard # 7 Compatibility with surrounding uses.

This is a use suitable for an industrial area, and it is compliant with the surrounding industrial uses.

If you have any further questions, I will be happy to get them answered for you.

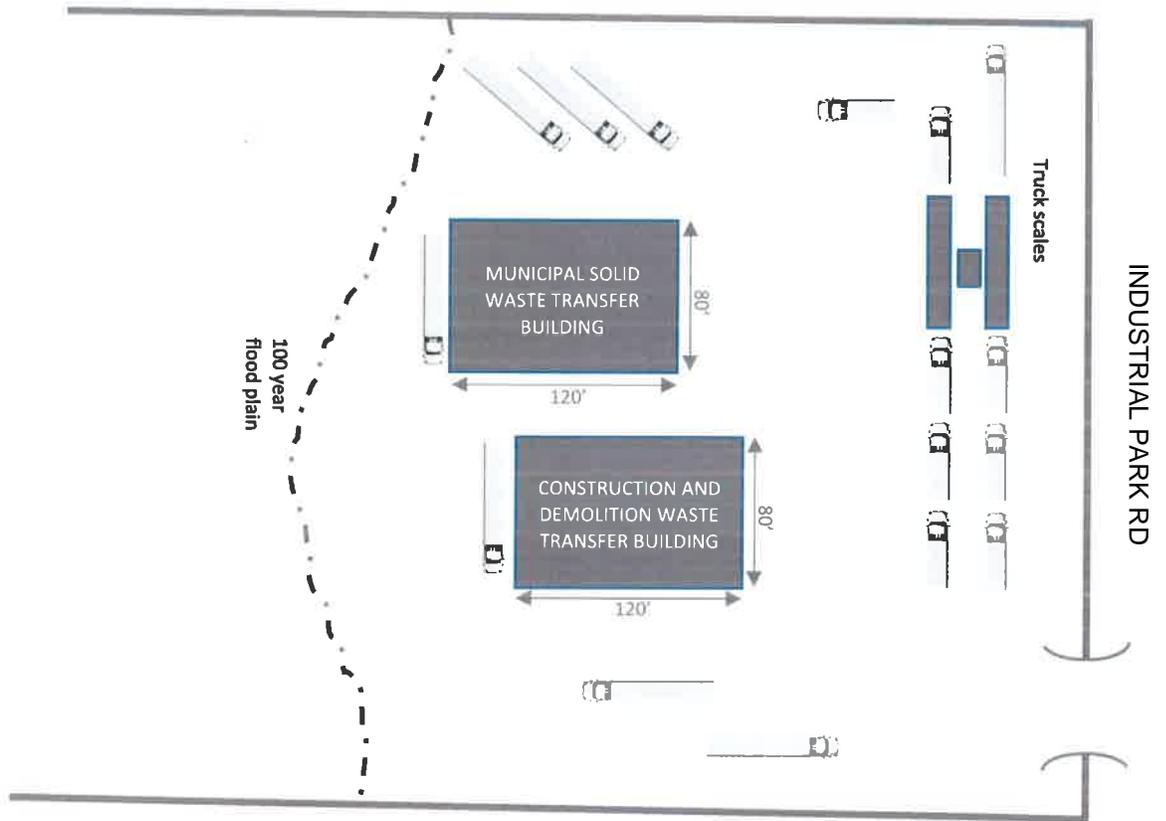
Very truly yours,

JENKINS, BOWEN & WALKER, P.C.



Brandon L. Bowen

Proposed New site plan  
for Cash Environmental Resources, LLC





**Exhibit "A"**

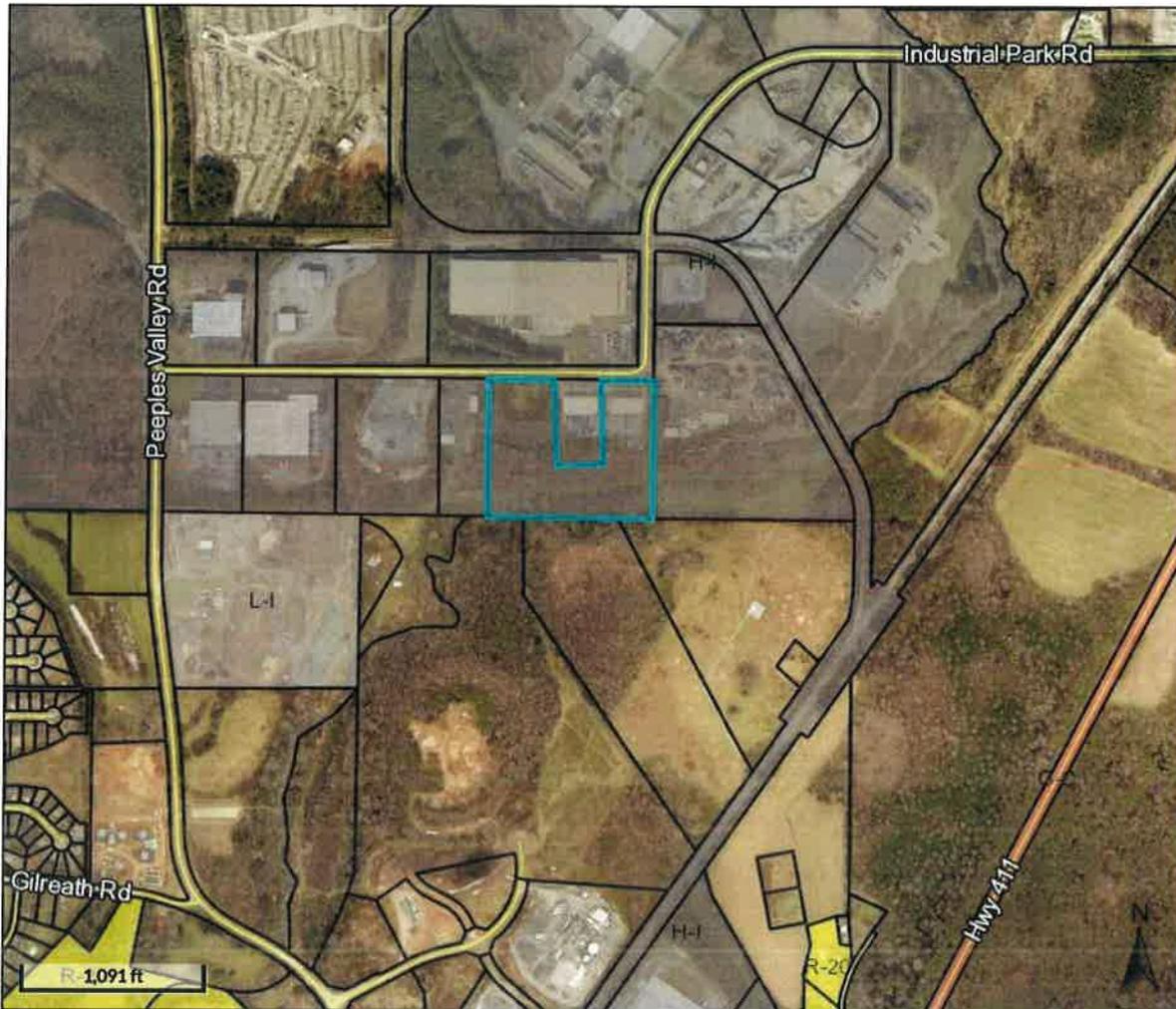
**To Limited Warranty Deed**

**Legal Description of the Land**

All that certain tract or parcel of land situate, lying and being at Cartersville, County of Bartow, State of Georgia, and being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lots 196 and 201, Fifth District, Third Section, Bartow County, Georgia, being Lots 13, 14 and 15 of Cartersville Industrial Park, and being more particularly described as follows: Begin at an IPF at the intersection of the eastern right-of-way of Peebles Valley Road (80 foot right-of-way) and the southern right-of-way of Industrial Park Road (80 foot right-of-way); thence N 87°48'54" E 990.00 feet to the true point of beginning, said point being the northeast corner of a conveyance dated December 21, 1985, recorded in Volume 500, Page 273, Public Records of Bartow County, Georgia; thence along the southern right-of-way of Industrial Park Road N 88°00'28" E 1,815.44 feet to an IPF; thence S 01°47'42" E 787.03 feet to an IPS on the land lot line dividing Land Lots 200 and 201; thence along the land lot line S 88°45'22" W 1,672.96 feet to an IPF at the land lot corner of Land Lots 196, 197, 200 and 201; thence continuing along land lot line S 88°13'00" W 139.25 feet to an IPF; thence N 02°02'11" W 764.67 feet along the eastern property line of lot 12 to the point of beginning, said property consisting of 32.28 acres; and being a part of the same property conveyed by deed dated May 20, 1971, recorded in Deed Book 193, Page 441, all instruments filed in the Superior Court Clerk's Office, Bartow County, Georgia.

00177130033



**Overview**



IMAGES TAKEN 8-23-22

## VIEW WEST FROM MIDPOINT



## VIEW EAST FROM MIDPOINT



# Images Taken 8-18-22



ADDITIONAL DOCUMENTATION PRESENTED AT  
PLANNING COMMISSION MEETING ON 10-11-2022.



**BARTOW COUNTY**  
**Solid Waste**

Steve Taylor, Sole Commissioner  
Rip Conner, P.G., Director

October 10, 2022

Mr. David Hardegree  
City Planner  
City of Cartersville

Re: Cash Environmental Resources special use permit application

Dear Mr. Hardegree,

I am writing you in my capacity as the Director, Solid Waste for Bartow County, Georgia. Part of my duties include the management of the Bartow County landfill. I understand that concern has been raised in regard to the capacity of the County landfill, particular in regards to the impact that the Cash Environmental Resources transfer station may have on it. The County landfill has adequate and permitted capacity for decades into the future. If anything, the proposed transfer station will lead to more waste going to C&D and MSW landfills outside of the County, thus extending the life and capacity of the County's landfill.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rip Conner", is written over a light blue circular stamp.

Rip Conner, P.G  
Director, Solid Waste

## David Hardegree

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**From:** b goolsby <brenda\_goolsby@hotmail.com>  
**Sent:** Thursday, September 22, 2022 12:07 PM  
**To:** Matt Santini; Kari Hodge; Jayce Stepp - Forward; Cary Roth; cco4702115@aol.com; Gary Fox; Taff Wren - Forward  
**Cc:** gregg goolsby; b goolsby; David Hardegree  
**Subject:** [EXTERNAL] Opposition to SU22-03 Application by Goolsby Industrial Properties, LLC  
**Attachments:** FA NOV Pickens Co. K&M Landfill dba Whitestone Valley Landfill 112-008D(C&D) FY2020 (2).pdf; NOV\_Dixie Speedway Transfer Station\_Cherokee + Photos\_pdf.pdf; NOV\_Regional Energy C&D Waste Transfer Station\_Union + Photos\_pdf.pdf; NOV\_Sugar Creek C&D Transfer Station\_Fannin + photos.pdf; 09.06.2022 PC Minutes.docx.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION! : This email originated from outside the City of Cartersville network. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

**Sender:** [brenda\\_goolsby@hotmail.com](mailto:brenda_goolsby@hotmail.com)

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*Thank you in advance for reviewing the full communication*

**Dear Mayor Santini and City of Cartersville City Council Members,**

For context, we are property owners of 329 Industrial Park Road, Cartersville, GA having purchased the property in May 2021. When considering our investment, we factored in the progressive planning and development presently underway in Cartersville. We evaluated the current zoning of our property and the property immediately surrounding our location. We presently have two long term tenants in our commercial warehouse who have established their base of business in Cartersville for 15+ years. Additionally, we are looking to invest further in the area, as one of our tenants needs more space, and we would like to find an additional warehouse space to purchase to lease back to them.

We are drafting this communication in response to SU22-03 application for 315 Industrial Park Road submitted by Cash Environmental Resources, LLC. SU22-03 was reviewed by the City of Cartersville Planning Commission on the September 06, 2022 agenda. A copy of the 09/6<sup>th</sup> City of Cartersville Planning Commission meeting minutes are attached for your reference. We were notified in writing approximately 7 days in advance of the 9/6<sup>th</sup> community forum. Due to the short notice and personal conflicts, we were unable to attend in person the 09/06<sup>th</sup> Planning Commission meeting. The City of Cartersville Planning Commission will be reviewing SU22-03 again on the October 11<sup>th</sup> agenda, which at this time is not open for public comments.

We have expressed our serious concerns about the SU22-03 application in writing to the City of Cartersville Planning Commission. While landfills are essential and must exist somewhere, we feel the specific application

by Cash Environmental Resources, LLC for the specific Cartersville location should be denied for the following reasons:

**1. Cash Environmental Resources, LLC track record of non-compliance at Georgia operated facilities**

The transport and management of waste is a dirty business, which is why partnering with a reputable operator in good standing and with good business practices is critical. Cash Environmental Resources, LLC operates Three transfer stations and a full-scale waste landfill in Georgia. They have a consistent track record of non-compliance to state Environmental Protection Division and country guidelines and laws. Outlined below are the non-compliance notices that have been drafted in 2022 by the Georgia Environmental Protection Division for the Cash Environmental Resources, LLC operated waste facilities. This is not a case of one bad apple, but rather a systematic practice of sloppy operations across all four sites operated in Georgia.

We requested all public records for the past 3- months from the Georgia Department of Environmental Protection Division. We received a tremendous number of documents from the Solid Waste Management program division. There is a clear historical practice of facility non-compliance and financial delinquency at all four waste management facilities operated in Georgia. The most recent 2022 non-compliant infractions are noted below and the official EPD non-compliance documents also attached to this email communication. I urge you to review the actual non-compliance violations and associated photo documentation provided by the Georgia Department of EPD. A photo is worth a thousand words in this example, and I encourage you to imagine this type of operation within your jurisdiction.

1. Whitestone Valley C&D Landfill – Pickens County
  - a. Notice of Non-compliance for Delinquent Financial Assurance dated 12/21/2021
  - b. Pickens County Commissions closed the landfill in January 2022 due to an out-of-control fire at the landfill due to non-compliance in facility management. <https://pickensprogress.com/strong-county-response-to-landfill-right-on-target/>
  - c. This closure raised alarm bells in the Georgia State Assembly, local officials and Georgia EPD.
2. Sugar Creek C&D Transfer Station – Fannin County
  - a. Notice of non-compliance and violation of Rule 391-3-4-06 dated February 22, 2022.
  - b. The EPD determined that Cash Environmental Resources, LLC was operating an unpermitted landfill.
3. Regional Energy C&D Waste Transfer Station - Union County
  - a. Notice of non-compliance and violation of Rule 391-3-4-06 dated February 22, 2022.
4. Dixie Speedway Transfer Station – Cherokee County
  - a. Notice of non-compliance for violations of solid waste rules, Rule 391-3-4-06 regarding the Transportation, Processing and Disposal Sites dated May 18, 2022.

The other concern and relevant information regarding Cash Environmental Resources, LLC is their filing for **financial bankruptcy on August 28, 2022**. It is quite concerning that the infractions and potential mitigation of issues in the future will be severely impacted by the financial solvency of this organization.

One final point to clarify, Cash Environmental Resources, LLC received **approval in 2019 for SU19-07 permit in 2019 for these exact services and have not engaged their Cartersville operation as of September 2022 based on poor site planning and execution (in their own words)**. I suggest the Planning Commission reconsider and rescind permit SU19-07.

**2. Health and Wellness of Cartersville citizens and business resulting for air, land and water hazards**

Waste transfer stations can be sources of air pollution and other threats to public health as well as noise, odors, vermin, and excessive truck traffic on local roads. Transfer stations emit dangerous fumes from the combustion of the wide range of materials managed through a Construction and Municipal waste transfer station. Of highest concern are carbon monoxide, hydrogen sulphide, volatile chemicals, dioxins, furans, lead and asbestos. These chemicals are released into the air and create a toxic cocktail of particulates that can lead to catastrophic health impacts.

*NOTE: There is no way to control toxic materials such as lead and asbestos from construction demolition projects from co-mingling in a transfer station. I was informed by Mr. Cash, President of Cash Environmental Resources, LLC, that the air quality is not monitored at Cash Environmental Services Waste Transfer Sites, nor at Waste Landfill sites. Past violations for this company show that they were not providing a covering for the waste, which obviously subjects it to rain, and runoff into the watershed. Question? Where does the toxic air chemicals and dust particles go, and how are they measured? What are the potential negative health impacts to our community?*

The primary health and wellness concern with solid waste transfer facilities is typically related to water runoff mingling with waste material. I was informed by Mr. Cash personally that the 'dust' is managed through a continual spraying of water on the gravel drive, and water is used to clean the storage receptacles used to capture the waste contents. We can reasonably assume that water is also used to clean the truck beds of the waste trucks. The resulting liquid (leachate) is not captured or contained in this setting. It is important to note, the 14 acres parcel identified in the SU22-03 application contains a large section of wetlands on the rear portion of the parcel. The contamination of these wetlands will certainly result in unexpected negative consequences, impacting the wetlands that border on our property and the property of surrounding owners with toxic wastewater bleeding from the transfer site. Of course, any storm-water runoff will also drain the materials on the surface into the wetlands area. The unmanaged water flow creates a high potential for toxic waste capture and build up, impacting the neighboring properties, both commercial and residential.

*NOTE: I was informed by Mr. Cash, President of Cash Environmental Resources, LLC, that the water used in transfer stations is not captured, and the water truck is operating continuously to reduce dust. Question? Where does all that wastewater filled with chemicals and debris go? What are the potential negative health impacts to our community?*

**3. The final point of consideration is the negative impact that approval of SU22-03 will have on our property value and the negative impact on the business operations of our long-term tenants.** Given the proposed transfer station location based on the land contours and rear wetlands, the transfer station will be positioned very close to our shared property line. The negative impact to property values bordering a waste management facility is well documented as large-scale industry surveys. The documented impact to neighboring properties with 1500 feet is a reduction between 6%-10%. Our property was purchased in 2021 for \$1,400,000 plus \$100k in capital improvements. You get a sense of the top-line negative financial impact we will be facing. In addition, we have two long term lease tenants, and one business is a distributor of sophisticated electrical components (McNaughton & McKay) for over 15-years in Cartersville. Dust and air particulates will certainly negatively impact their business operations, and we could potentially be facing an early lease termination by our current tenants. We abide by all City and County laws, ordinances, and property tax payments – in other words, we comply with the laws and play by the rules. It is concerning to think that our business standing in Cartersville is considered 'less important' to protect versus a new enterprise with a marginal operations track record and history of non-compliance to local, state, and federal guidelines and policies. We hope that our business interest and investment, both present and future, will be weighed properly against an operator that may not play by the rules, negatively impact the surrounding properties, water and air quality.

*NOTE: While our primary residence is in Washington, our roots are from Cobb County and our family presently resides in Cherokee, Paulding and Cobb Counties. We own residential property in Cobb and commercial property in Bartow County. In short, we are not absentee or non-attentive owners, and invested in Bartow County because of the impressive recent growth in Cartersville, GA.*

*Question? How will we seek restitution for the potential negative fiscal impact to our business operations? Also, how will this impact the business operations of our 2x long term tenants of the City of Cartersville?*

**We support and understand the interest in expanding the commercial enterprises located in Cartersville, GA, BUT, the growth of one business should not be at the expense of another long-standing business.**

We have presented a compelling argument in opposition to SU22-03 application. We are hopeful that you agree with our position and take the appropriate steps to halt approval of this special use permit. Thank you for taking our position into consideration. If you look carefully at the numerous violations for which they were cited, their bankruptcy protection, and their tendency to target smaller towns with their non-compliant operations and then move on to another location once opposition heats up should really make the decision clear...**not to approve this permit.**

We welcome your comments and feedback to this communication either in written reply or via conference call.

**Sincerely,**

**Gregg & Brenda Goolsby / Co-owners  
Goolsby Industrial Properties, LLC**

**Brenda Goolsby / [brenda\\_goolsby@hotmail.com](mailto:brenda_goolsby@hotmail.com) / 201.314.8041**

## **MINUTES OF THE CARTERSVILLE PLANNING COMMISSION**

The Cartersville Planning Commission met in a regularly scheduled meeting on Tuesday, September 6, 2022 at 5:30 p.m. in the City Hall Council Chambers.

Present: Lamar Pendley, Jeffery Ross, Greg Culverhouse, Steven Smith, Travis Popham, and Fritz Dent  
Absent: Anissa Cooley\*  
Staff Members: Randy Mannino, Julia Drake, David Hardegree, Zack Arnold, and Keith Lovell

### **CALL TO ORDER: 5:30 PM**

### **ROLL CALL**

Chairman Lamar Pendley stated to the audience that the Planning Commission is a recommending body only and that for all cases heard, recommendations would be forwarded to City Council for consideration. Furthermore, the case heard would be heard before Council at the September 15, 2022 and October 6, 2022 Council Meeting.

### **APPROVAL OF MINUTES**

#### **1. August 9, 2022 Meeting Minutes**

Chairman Pendley called for a motion on the May 12, 2022 meeting minutes. Board Member Culverhouse stated under 'Zoning' his name was misspelled.

Julia Drake, City Clerk, stated it would be corrected.

Board Member Popham made a motion to approve the minutes. Board Member Dent seconded the motion. Motion carried unanimously. Vote: 5-0.

### **SPECIAL USE PERMIT**

#### **2. SU22-03: 315 Industrial Park Rd.**

**Applicant: Cash Environmental**

David Hardegree, Planning and Development Assistant Director, stated that the property had been properly posted and advertised and gave an overview of the application stating the applicant, Cash Environmental Resources LLC, is requesting a Special Use permit for property identified as 315 Industrial Park Rd (315) in compliance with the zoning requirements for a Waste Transfer Station in the H-I (Heavy Industrial) zoning district. The applicant is proposing a municipal and construction/ demolition waste transfer facility.

In 2019, the applicant in partnership with Regulated Services, LLC, received a special use permit to operate a municipal waste, construction waste and pharmaceutical waste processing and transfer station on the adjacent property at 375 Industrial Park Rd (375). After the permit approval and in consideration of their business needs, the parties agreed that more space should be given to the municipal waste and construction debris operations. The applicant is planning to

relocate the municipal and construction waste operations approved with SU19-07 from the 375 site to the 315 site.

Currently, the site is undeveloped and wooded. There is floodplain present on the southern half of the property and the flood ordinance requirements will have to be met. Per the conceptual site plan, two new structures, 9,600sf. each, are proposed. No encroachment of the floodplain on the southern half of the property is expected. Site development will be addressed during plan review.

GA EPD also has regulatory oversight over this type of operation.

There are no additional Special Use Standards for a Waste Transfer Station beyond the basic standards addressed in the application.

The operation seems appropriate for the H-I zoning district and location.

In addition, Mr. Hardegree stated that he had received one piece of correspondence in opposition from Mrs. Goolsby and would be added to the file. See Exhibit A.

Board Member Cooley joined the meeting at 5:34 PM.

Staff takes no exception.

Chairman Pendley opened the public hearing.

Board Member Popham recused himself from the case.

Brandon Bowen, 15 S. Public Sq., came forward to represent the applicant, provide an overview of the proposed site plan, and answer any questions from the Board Members.

Kevin Cash, 558 Faith St., business owner, came forward to address the issues ongoing in Pickens County.

Board Member Smith expressed concerns with trash coming from other counties to Bartow landfill and allowed Mr. Cash to address. Mr. Cash stated that this proposed facility would be a transfer station only and they would be moving out what comes in within 24 hours.

Discussion commenced among Board Members.

Chairman Pendley asked questions of Mr. Cash regarding hours of operation, amount of trash coming in, traffic flow, security, etc.

Justin Rice, 73 Guyton Industrial Dr., came forward to speak against the application and also stated that records show that on August 26, 2022, Cash Environmental filed for bankruptcy.

Boad Member Smith asked David Archer, City Attorney, who would clean up the mess if this company has filed for bankruptcy to which Mr. Archer stated that the applicant would need to address that question.

Jimmy Crane, 374 Peeples Valley Rd., came forward to speak against the application.

Together, Mr. Bowen and Mr. Cash addressed the bankruptcy filing and stated that it was a Chapter 11 filing and was done to restructure with no losses and would have no impact on the ability to operate the business.

With no one else to come forward to speak for or against the Special Use Permit Application, the public hearing was closed.

Board Member Smith made a motion to table the item in order to receive more information on the violations in Pickens County. With no second, motion fails.

Howard Smith, 150 Cherokee Cir., property owner, came forward to address the neighbors concerns.

With no further motion, the case was closed.

## **TEXT AMENDMENT**

### **3. T22-02: Mt. Zion Mission Baptist Church Sign Amendment**

Mr. Hardegree stated that the property had been properly posted and gave an overview of the request stating Mt. Zion Mission Baptist Church, 167 Jones St., proposes a revision to the Sign Ordinance, *Section 20-25(2)(b), Electronic Freestanding Signs*, to add “Jones St. (within 320ft. of the intersection with Aubrey St.)” as an allowed street for electronic freestanding signs on non-residential use properties. The proposed distance is the approximate distance from Aubrey St. to the southern-most property line. The approx. distance from Aubrey St. to the existing sign is 229ft.

Mt. Zion Mission Baptist Church is proposing this change in order to allow for an updated and more visible sign for their property. The church intends to utilize the existing sign footprint to house the electronic sign. The electronic sign dimensions are proposed at 2ft. x 4ft.

The current sign requirements for a non-residential sign on Jones St. are: a maximum height of 10ft, a maximum total sign area of 32 sq. ft., and a maximum electronic sign area of 50% of the total sign area.

The proposed electronic sign is also required to be at least 100ft. from a residential dwelling. The distance from the existing sign to the closest house on Jones St. is approx. 105 ft.

Chairman Pendley opened the public hearing.

John Lampley, 148 Jones St., and Erin Lazaro, 3175 US 411, White, Ga., came forward to speak for the text amendment and to answer any questions from the Board Members. In addition, Mr. Lampley stated that the sign was only for church use and no advertising would be done.

Chairman Pendley inquired about the brightness of the sign to which Ms. Lazaro stated that the brightness could be adjusted automatically with a sensor as well as manually.

With no one else to come forward to speak for or against the text amendment, the public hearing was closed.

Board Member Culverhouse made a motion to approve T22-03. Board Member Popham seconded the motion. Motion carried unanimously. Vote: 6-0

#### **4. T22-03: Electronic Billboard Amendment**

**Applicant: Tilley Holdings, LLC**

Mr. Hardegree stated that the property had been properly posted and gave an overview of the request stating Tilley Properties, Inc. (Applicant), 917 N. Tennessee St, proposes a revision to the Sign Ordinance, *Section 20-29 (A) Billboards*, to allow billboards on State Route 113 beginning at the centerline of the I-75 Right of Way and continuing west along State Route 113 a distance of 2,700 linear feet.

This text amendment is requested in order to convert an existing billboard on State Route 113/Main Street to a digital billboard. Because the text amendment justification is the conversion of a static billboard to an LED billboard, an additional change to Section 20-29 (B)(2) will also be required to allow LED billboards on the same section of Hwy 113.

The billboard to be converted is located in the G-C (General Commercial) district and in the Main Street Overlay District. Revisions to the Main Street Overlay District are not required.

A MF-14 (Multifamily dwelling district) is approximately 795 ft. from the edge of the 2700ft. delineation. A minimum of 500ft is the required distance from a billboard to a residential zoning district.

The existing billboard also received a variance in 2012 per V12-05, for the following:

1. Reduce setback from 100 ft to 20 ft from E. Main St right-of-way for installation of a billboard (Application based on previous sign ordinance standards effective before May 4, 2012).
2. Increase allowable size of a billboard from 300 sqft to 400 sqft.

Chairman Pendley opened the public hearing.

Bobby Walker, 15 Public Sq., came forward to represent the applicant and to share a photo presentation of the proposed.

Board Member Dent inquired about the brightness of the sign.

Beth Tilley, 49 Cassville Rd., came forward and stated that the brightness could be adjusted both automatically and manually.

With no one else to come forward to speak for or against the text amendment, the public hearing was closed.

Board Member Ross made a motion to approve T22-03. Board Member Dent seconded the motion. Motion carried unanimously. Vote: 5-0-1 with Board Member Culverhouse abstaining from voting.

## ZONINGS

### 5. Z22-03: Carter Grove Blvd.

**Applicant: The Wasserman Group, LLC**

Chairman Pendley began by stating to everyone that he did not want repeated comments and that each individual who wished to speak regarding Z22-03 would be given five (5) minutes. This limit was provided so that each individual would have an opportunity to speak.

Mr. Hardegree stated that the property had been properly posted and advertised and all adjacent property owners had been notified. Continuing, Mr. Hardegree gave an overview of the case stating the Zoning application by The Wasserman Group was to rezone, 48.124 +/- acres from Carter Grove P-D (Planned Development) to a new P-D (Planned-Development) for the construction of a senior age targeted, rental community. The community will be a condominium. The rezoning removes the Carter Grove P-D zoning conditions and implements zoning conditions specific to the proposed development.

The proposed development would construct (167) duplex and triplex homes with two and three bedroom configurations. Single home units and one (1) bedroom options are proposed due to the topographic challenges of the site, but are not reflected on the concept site plan. An amenities package will be included. No commercial lots or units are proposed.

The residential units are planned to be rental units under the condominium regulations (verbal confirmation only).

All streets will be private.

In 2006, zoning case Z06-07, approved 5-4-06, introduced a mixed-use planned development concept for the site that proposed as many as 220 residential units to include townhomes-over-retail and traditional townhomes. Seven (7) commercial outlots were proposed along the northern and western boundaries. Currently, the location of Outlots 1-3 on the 2006 plan have been encroached upon by the Old Alabama widening project and slope easements for the road project. These outlots are likely no longer developable as well as a portion of the townhomes-over-retail location.

The 2006 zoning conditions required fee simple ownership of the townhome units under the condominium regulations.

The unit density of this proposal is 3.42 un/ ac. The density of the 2006 zoning was 2.8 un/ac (145 units) up to 4.57 un/ac (220 units).

Chairman Pendley opened the public hearing.

Steve Wasserman, 4770 S. Atlanta Rd., came forward to represent the application and to answer any questions from the board.

Several questions were proposed from the board in regards to water run off, traffic problems, etc to which Mr. Wasserman addressed and proceeded to state the Condo Association would be created immediately and would be ran by property owner, not the tenants in the units.

Chairman Pendley inquired about the dynamics of the units to which Mr. Wasserman replied that there would be proposed (140) 2 bedroom/1 story units that would have approximately 1400 square foot and (20) 3 bedroom/1.5 story units that would have approximately 1800 square foot of heated space and all units would have adequate parking available. The propose price point would be \$2,000-\$2,500 monthly rent.

Chris Easterwood, 121 White Spruce Ct., came forward to speak for Z22-03.

Rick Early, 13 Greystone Way, came forward to speak against Z22-03.

Harry Vernon, 17 Greywood Ln., came forward to speak against Z22-03.

David Peyton, 7 Greywood Ln., came forward to speak against Z22-03.

Nicole Breton, 5 Greywood Ln., came forward to speak against Z22-03.

Beverly Peyton, 7 Greywood Ln., came forward to speak against Z22-03.

Mr. Wasserman came forward to address the comments made and stated this would be a gated community with high end condominiums, not apartments.

With no one else to come forward to speak for or against the case, the public hearing was closed.

After the public hearing was closed, another resident wanted to come forward to speak. Chairman Pendley re-opened the pubic hearing.

Edwin Hamilton, 6 Autumn Wood Dr., came forward to speak against Z22-03.

Public hearing was re-closed.

Board Member Smith made a motion to deny Z22-03. Board Member Popham seconded the motion. Vote: 5-1 with Board Member Culverhouse in opposition of the denial.

## **6. Z22-04: Bates Rd**

**Applicant: Highlands Park of GA, LLC**

Mr. Hardegree stated that the property had been properly posted and advertised and all adjacent property owners had been notified. Continuing, Mr. Hardegree gave an overview of the case stating the applicant is requesting the rezoning of four (4) properties located on Bates Rd near Greenridge Rd from P-D (Carter Grove Planned Development) to R-20 (Single Family Residential) in order to remove the Carter Grove P-D development conditions and insure limited access to Bates Rd. This was a request from the Planning and Development staff in order to subdivide the property for the construction of large estate lots.

The development intent of the zoning application is to subdivide the largest remaining parcel, 33.71 acres, into nine (9) lots. The (9) lots will share one private street connection to Bates Rd

per the “Bartow County letter”. Three tracts of the 50 acre tract were previously subdivided and sold- C120-0001-007(Berry), C120-0001-008(Arveson) and C120-0001-009(Kent)

The (3) remaining lots with P-D zoning will be addressed at a later date.

Access to Bates Rd was approved with conditions by the County Commissioner, Steve Taylor, in 2019 and in conjunction with the 2020 de-annexation of 50+/- acres of the 100 acre Al Meek property (AZ20-02). The driveway cuts specified in the Letter applied to the entire 100ac. tract regardless if any portion of the 100 acres is de-annexed or subdivided. See attached “Bartow County Letter” and AZ20-02 approval letter. The remaining 50 +/- acre tract that was not de-annexed was sold to the applicant for development.

Per the Carter Grove Development Agreement, Bates Rd access from Carter Grove required City and County approval. No access points were ever identified. The rezoning and the Bartow County letter help insure that no access will occur to Carter Grove.

Per the Carter Grove Development Agreement, item 1(c):

(c) The Developer agrees not to utilize Bates Road as an access point to the Project without prior approval of the City and Bartow County.

The private street serving the proposed nine (9) lot subdivision, the (3) driveways planned for the de-annexed Meek property, and the (3) driveways serving or planned to serve properties C120-0001-007(Berry), C120-0001-008(Arveson) and C120-0001-009(Kent) will exhaust all but one driveway cut allowed per the Bartow County Letter.

Bill Byrnes wuth Byrne Design Group, came forward and stated the minimum lot size would be 3 acres with a price point of \$1 million - \$1.2 million.

Board Member Cooley made a motion to approve Z22-04. Board Member Popham seconded the motion. Motion carried unanimously. Vote: 6-0

Board Member Ross made a motion to adjourn.

The meeting adjourned at 8:03 PM.

Date Approved: October 11, 2022

/s/ \_\_\_\_\_  
Lamar Pendley, Chairman



ENVIRONMENTAL PROTECTION DIVISION

**Richard E. Dunn, Director**

**Land Protection Branch**

4244 International Parkway  
Suite 104  
Atlanta, Georgia 30354  
404-362-2537

December 21, 2021

CERTIFIED MAIL

7019-2970-0001-2204-7450

John Murchie, Operations Officer  
Cash Environmental Resources  
2859 Paces Ferry Rd., Suite 1150  
Atlanta, Georgia 30339

**SUBJECT: Pickens Co. - K&M Landfill dba Whitestone Valley C&D Landfill  
Permit No: 112-008D(C&D)  
Notice of Violation – Delinquent Financial Assurance**

Dear Mr. Murchie,

The Georgia Environmental Protection Division (EPD) has not received the annually, updated financial assurance demonstration as required by the Comprehensive Rules and Regulations of the State of Georgia 391-3-4-.13 (Rule) and by reference, 40 CFR 258, Subpart G. Consequently, the subject solid waste handling facility is not in compliance with the aforementioned Rule.

Additionally, EPD is suspending review of the Solid Waste Handling Permit Application (GEOS ID 537459) until the applicant demonstrates that surface and subsurface fires at the facility are extinguished. The demonstration should include site specific information including, but not limited to, observations of flames; smoldering; smoke; and elevated surface or subsurface temperatures. The demonstration shall be provided by, and bear the seal of, a Professional Engineer registered in the state of Georgia and experienced in landfills.

To avoid further enforcement action, please submit an updated financial assurance demonstration on or before February 7, 2021.

Should you have any questions please contact me at (470) 604-9370.

Sincerely,

Serena A. Broska, E.I.T.  
Environmental Engineer III  
Solid Waste Management Program

Cc: Keith Stevens; William Cook; EPD (via email)  
Mick Smith, Mountain District; GA EPD (via email)  
Daniel Cheek, P.E.; HHNT, Inc. (via email)

File: 112-008D(C&D), Pickens Co. – K&M Landfill dba Whitestone Valley C&D Landfill (FA), (PERMIT)

S:\Land\DATA\Financial Assurance\Pickens Co\K&M dba Whitestone Valley\FA NOV Pickens Co. K&M Landfill dba Whitestone Valley Landfill 112-008D(C&D) FY2020.docx

**Richard E. Dunn, Director**

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**Mountain District Office**  
16 Center Road  
Cartersville, Georgia 30121  
770-387-4900

Correspondence:  
Post Office Box 3250  
Cartersville, Georgia 30120

Josh Bennett  
Vice President of Business Operations  
Cash Environmental Resources, LLC  
2859 Paces Ferry Road Suite 1150  
Atlanta, GA 30339

RE: **NOTICE OF VIOLATION**  
Regional Energy C&D Waste Transfer Station  
Union County

Dear Mr. Bennett:

On February 22, 2022, a representative of the Georgia Department of Natural Resources, Environmental Protection Division (EPD) conducted an inspection at Regional Energy C&D Waste Transfer Station, 220 Standard Dr, Blairsville, GA 30512, in Union County, GA (Site). The Site was formerly permitted by Permit-By-Rule #144-08TS (Transfer Station), but EPD has not received an updated PBR notification for the current ownership.

While conducting the inspection, EPD documented violations of the Georgia Comprehensive Solid Waste Management Act of 1990 (Solid Waste Act) and Georgia Rules for Solid Waste Management (Solid Waste Rules).

Rule 391-3-4-.06. Permit by Rule for Collection, Transportation, Processing, and Disposal states:

(1) Permit-by-Rule. Notwithstanding any other provision of these Rules, collection operations, transfer station operations, inert waste landfill operations, waste processing and thermal treatment operations, wastewater treatment and pretreatment plant sludge disposal operations, and yard trimmings waste landfill operations shall be deemed to have a solid waste handling permit if the conditions in paragraph (2) are met and the conditions in paragraph (3), for that particular category of operation are met.

(2) Notification. Within 30 days of commencing solid waste handling activities which are covered under a permit-by-Rule, notification must be made to the Director of such activity. Notification shall be made on such forms as are provided by the Director. Persons failing to notify the Director of such activities shall be deemed to be operating without a permit.

(3) Categories of Operations:

(b) Transfer Station operations:

1. Solid Waste shall be confined to the interior of transfer station buildings, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors shall be kept clean and well drained.

The following violations of the Solid Waste Act and Rules are specifically described but not limited to:

- Failure to submit an updated PBR notification to EPD Land Protection.
- Failure to confine solid waste to the interior of transfer station buildings.

In light of the above continued infractions, EPD has determined that the transfer station is operating out of compliance with Permit-By-Rule regulations, and is operating, in effect, as an unpermitted landfill. EPD is now documenting violations of the Georgia Rules for Solid Waste Management (Rules), specifically described as the open dumping of C&D waste on the property. The acceptance of prohibited waste is a violation of the following rule sections:

Section 391-3-4-.04(4-c) of the Georgia Rules for Solid Waste Management Act states: "No solid waste may be disposed of by any person in an open dump, nor may the person cause, suffer, allow, or permit open dumping on his property."

Code Section 12-8-30.7, of the Act, makes it unlawful for any person to engage in solid waste handling except in such a manner as to conform and comply with all applicable rules, regulations, and orders established under the provisions of the Act.

You are now required to perform the following actions within the listed time frames:

1. Upon receipt of this letter, you must contact the EPD Solid Waste Management Program—Solid Waste Permitting Unit at 470-251-2515 to obtain coverage under PBR Rules.
2. Within sixty (60) days of the receipt of this letter, you shall bring the Site into full permit by rule compliance by constructing a roofed enclosure to ensure that solid waste is confined to the interior of transfer station buildings, and not allowed to scatter to the outside.

We look forward to your cooperation to resolve this matter. Please contact Mr. Jason Rogers at (678) 767-9441 to discuss any questions that you may have.

Sincerely,

Kevin Dallmier  
Program Manager  
Mountain District Office

Cc: EPD Solid Waste Unit

Inspection Date: February 22, 2022

Type of Inspection: Solid Waste – Complaint Inspection  
Inspector Names: Jason Rogers  
Facility Name: Regional Energy C&D Waste Transfer Station  
Location (Adjacent): 220 Standard Dr, Blairsville, GA 30512(Union County)  
Facility Contact: Josh Bennett, Vice President of Business Operations, Cash Environmental Resources, LLC, 2859 Paces Ferry Road Suite 1150, Atlanta, GA 30339  
Contact Phone No.: 706-851-6046 Email: jrbennett@cashenvironmental.com



**Photo Number:** 1 of 4  
**Date:** 2/22/2022 **Time:** 10:00 AM **Weather:** overcast  
**Location:** Regional Energy C&D Waste Transfer Station  
**County:** Union **Photographer:** Jason Rogers  
**Observations:** Transfer station operating without a roofed enclosure

**Photo Number:** 2 of 4  
**Date:** 2/22/2022 **Time:** 10:00 AM **Weather:** overcast  
**Location:** Regional Energy C&D Waste Transfer Station  
**County:** Union **Photographer:** Jason Rogers  
**Observations:** Transfer station operating without a roofed enclosure



**Photo Number:** 3 of 4  
**Date:** 2/22/2022 **Time:** 10:00 AM **Weather:** overcast  
**Location:** Regional Energy C&D Waste Transfer Station  
**County:** Union **Photographer:** Jason Rogers  
**Observations:** Transfer station operating without a roofed enclosure

**Photo Number:** 4 of 4  
**Date:** 2/22/2022 **Time:** 10:00 AM **Weather:** overcast  
**Location:** Regional Energy C&D Waste Transfer Station  
**County:** Union **Photographer:** Jason Rogers  
**Observations:** Transfer station operating without a roofed enclosure

**Richard E. Dunn, Director**

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**Mountain District Office**

16 Center Road  
Cartersville, Georgia 30121  
770-387-4900

Correspondence:  
Post Office Box 3250  
Cartersville, Georgia 30120

Josh Bennett  
Vice President of Business Operations  
Cash Environmental Resources, LLC  
2859 Paces Ferry Road Suite 1150  
Atlanta, GA 30339

RE: **NOTICE OF VIOLATION**  
Sugar Creek C&D Transfer Station  
Fannin County

Dear Mr. Bennett:

On February 22, 2022, a representative of the Georgia Department of Natural Resources, Environmental Protection Division (EPD) conducted an inspection at Sugar Creek C&D Transfer Station, 79 Jeffs Way, Blue Ridge, GA 30513, in Fannin County, GA (Site). The Site was formerly permitted by Permit-By-Rule #055-14TS (Transfer Station), but EPD has not received an updated PBR notification for the current ownership.

While conducting the inspection, EPD documented violations of the Georgia Comprehensive Solid Waste Management Act of 1990 (Solid Waste Act) and Georgia Rules for Solid Waste Management (Solid Waste Rules).

Rule 391-3-4-.06. Permit by Rule for Collection, Transportation, Processing, and Disposal states:

(1) Permit-by-Rule. Notwithstanding any other provision of these Rules, collection operations, transfer station operations, inert waste landfill operations, waste processing and thermal treatment operations, wastewater treatment and pretreatment plant sludge disposal operations, and yard trimmings waste landfill operations shall be deemed to have a solid waste handling permit if the conditions in paragraph (2) are met and the conditions in paragraph (3), for that particular category of operation are met.

(2) Notification. Within 30 days of commencing solid waste handling activities which are covered under a permit-by-Rule, notification must be made to the Director of such activity. Notification shall be made on such forms as are provided by the Director. Persons failing to notify the Director of such activities shall be deemed to be operating without a permit.

(3) Categories of Operations:

(b) Transfer Station operations:

1. Solid Waste shall be confined to the interior of transfer station buildings, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors shall be kept clean and well drained.

5. Any contaminated runoff from washwater shall be discharged to a wastewater treatment system and, before final release, shall be treated in a manner approved by the Division.

The following violations of the Solid Waste Act and Rules are specifically described but not limited to:

- Failure to submit an updated PBR notification to EPD Land Protection.
- Failure to partition municipal (MSW) from C&D waste in interior of transfer station.
- Failure to manage wastewater and wash water from MSW waste in interior of transfer station.

In light of the above continued infractions, EPD has determined that the transfer station is operating out of compliance with Permit-By-Rule regulations, and is operating, in effect, as an unpermitted landfill. EPD is now documenting violations of the Georgia Rules for Solid Waste Management (Rules), specifically described as the open dumping of C&D waste on the property. The acceptance of prohibited waste is a violation of the following rule sections:

Section 391-3-4-.04(4-c) of the Georgia Rules for Solid Waste Management Act states: "No solid waste may be disposed of by any person in an open dump, nor may the person cause, suffer, allow, or permit open dumping on his property."

Code Section 12-8-30.7, of the Act, makes it unlawful for any person to engage in solid waste handling except in such a manner as to conform and comply with all applicable rules, regulations, and orders established under the provisions of the Act.

You are now required to perform the following actions within the listed time frames:

1. Upon receipt of this letter, you must contact the EPD Solid Waste Management Program–Solid Waste Permitting Unit at 470-251-2515 to obtain coverage under PBR Rules.
- Within sixty (60) days of the receipt of this letter, you shall bring the Site into full permit by rule compliance by constructing a barrier to ensure that municipal solid waste (MSW) is partitioned from C&D waste in interior of transfer station in order to prevent co-mingling of MSW and C&D waste, and by submitting proof of proper handling of wastewater and wash water from MSW waste in interior of transfer station. A possible alternative is to cease accepting any MSW waste at this transfer station location.

We look forward to your cooperation to resolve this matter. Please contact Mr. Jason Rogers at (678) 767-9441 to discuss any questions that you may have.

Sincerely,

Kevin Dallmier  
Program Manager  
Mountain District Office

Cc: EPD Solid Waste Unit

Inspection Date: February 22, 2022

Type of Inspection: Solid Waste – Complaint Inspection  
Inspector Names: Jason Rogers  
Facility Name: Sugar Creek C&D Transfer Station  
Location (Adjacent): 79 Jeffs Way, Blue Ridge, GA 30513(Fannin County)  
Facility Contact: Josh Bennett, Vice President of Business Operations, Cash Environmental Resources, LLC, 2859 Paces Ferry Road Suite 1150, Atlanta, GA 30339  
Contact Phone No.: 706-851-6046 Email:jbennett@cashenvironmental.com



**Photo Number:** 1 of 4  
**Date:**2/22/2022**Time:**11:00 AM**Weather:**overcast  
**Location:**Sugar Creek C&D Transfer Station  
**County:**Fannin**Photographer:**Jason Rogers  
**Observations:**Front view of transfer station

**Photo Number:**2 of 4  
**Date:**2/22/2022**Time:**11:00 AM**Weather:**overcast  
**Location:**Sugar Creek C&D Transfer Station  
**County:**Fannin **Photographer:**Jason Rogers  
**Observations:**Front view of transfer station, showing no partitioning between municipal waste (left side) and C&D waste (right side)



**Photo Number:**3 of 4  
**Date:**2/22/2022**Time:**11:00 AM**Weather:**overcast  
**Location:**Sugar Creek C&D Transfer Station  
**County:**Fannin **Photographer:**Jason Rogers  
**Observations:**No partitioning between municipal waste (left side) and C&D waste (right side)

**Photo Number:**4 of 4  
**Date:**2/22/2022**Time:**11:00 AM**Weather:**overcast  
**Location:**Sugar Creek C&D Transfer Station  
**County:**Fannin **Photographer:**Jason Rogers  
**Observations:**C&D waste on right side with no portioning from municipal waste to the left

**Richard E. Dunn, Director**

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**Mountain District Office**

16 Center Road  
Cartersville, Georgia 30121  
770-387-4900

Correspondence:  
Post Office Box 3250  
Cartersville, Georgia 30120

Josh Bennett  
Vice President of Business Operations  
Cash Environmental Resources, LLC  
2859 Paces Ferry Road Suite 1150  
Atlanta, GA 30339

RE: **NOTICE OF VIOLATION**  
Dixie Speedway Transfer Station  
PBR-028-150TS  
Cherokee County

Dear Mr. Bennett:

On May 18, 2022, representatives of the Georgia Department of Natural Resources, Environmental Protection Division (EPD) conducted an inspection at Dixie Speedway Transfer Station (PBR-028-150TS), 150 Dixie Drive, Woodstock, GA 30189 in Cherokee County, GA (Site).

While conducting the inspection, EPD documented violations of the Georgia Comprehensive Solid Waste Management Act of 1990 (Solid Waste Act) and Georgia Rules for Solid Waste Management (Solid Waste Rules).

Rule 391-3-4-.06. Permit by Rule for Collection, Transportation, Processing, and Disposal states:

(1) Permit-by-Rule. Notwithstanding any other provision of these Rules, collection operations, transfer station operations, inert waste landfill operations, waste processing and thermal treatment operations, wastewater treatment and pretreatment plant sludge disposal operations, and yard trimmings waste landfill operations shall be deemed to have a solid waste handling permit if the conditions in paragraph (2) are met and the conditions in paragraph (3), for that particular category of operation are met.

(2) Notification. Within 30 days of commencing solid waste handling activities which are covered under a permit-by-Rule, notification must be made to the Director of such activity. Notification shall be made on such forms as are provided by the Director. Persons failing to notify the Director of such activities shall be deemed to be operating without a permit.

(3) Categories of Operations:

(b) Transfer Station operations:

1. Solid Waste shall be confined to the interior of transfer station buildings, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors shall be kept clean and well drained.

The following violations of the Solid Waste Act and Rules are specifically described but not limited to:

- Failure to confine solid waste to the interior of transfer station buildings.
- Failure to have a floor for interior of transfer station in order to ensure that facility is clean and well drained.

In light of the above continued infractions, EPD has determined that the transfer station is operating out of compliance with Permit-By-Rule regulations, and is operating, in effect, as an unpermitted landfill. EPD is now documenting violations of the Georgia Rules for Solid Waste Management (Rules), specifically described as the open dumping of C&D waste on the property. The acceptance of prohibited waste is a violation of the following rule sections:

Section 391-3-4-.04(4-c) of the Georgia Rules for Solid Waste Management Act states: "No solid waste may be disposed of by any person in an open dump, nor may the person cause, suffer, allow, or permit open dumping on his property."

Code Section 12-8-30.7, of the Act, makes it unlawful for any person to engage in solid waste handling except in such a manner as to conform and comply with all applicable rules, regulations, and orders established under the provisions of the Act.

You are now required to perform the following actions within the listed time frames in order to maintain Permit coverage:

1. Upon receipt of this letter, you must clean all waste that has accumulated outside of the interior of the transfer station.
2. Within ninety (90) days of the receipt of this letter, you shall bring the Site into full permit by rule compliance by constructing a concrete floor for the station interior and for the truck pickup drive behind the station, along with suitable draining design, to ensure that waste does not drain into the soil at the facility.

We look forward to your cooperation to resolve this matter. Please contact Mr. Jason Rogers at (678) 767-9441 to discuss any questions that you may have.

Sincerely,

Kevin Dallmier  
Program Manager  
Mountain District Office

Cc: EPD Solid Waste Unit

Type of Inspection: Solid Waste – Complaint Inspection  
 Inspector Names: Jason Rogers  
 Facility Name: Dixie Speedway Transfer Station (PBR-028-150TS)  
 Location (Adjacent): 150 Dixie Drive, Woodstock , Georgia 30189(Cherokee County)  
 Facility Contact: Josh Bennett, Vice President of Business Operations, Cash Environmental Resources, LLC, 2859 Paces Ferry Road Suite 1150, Atlanta, GA 30339  
 Contact Phone No.: 706-851-6046 Email:jbennett@cashenvironmental.com



May 18, 2022  
 +34.091447,-84.558872 ±5.00m  
 Cherokee County



May 18, 2022  
 +34.091296,-84.559529 ±30.00m  
 Cherokee County

**Photo Number:** 1 of 4  
**Date:**5/18/2022**Time:**9:00 AM**Weather:**sunny  
**Location:**Dixie Speedway Transfer Station  
**County:**Cherokee**Photographer:**Jason Rogers  
**Observations:**Transfer station operating without confining waste to interior. Station has no floor, only soil beneath the roof.

**Photo Number:**2 of 4  
**Date:**5/18/2022**Time:**9:00 AM**Weather:**sunny  
**Location:**Dixie Speedway Transfer Station  
**County:**Cherokee **Photographer:**Jason Rogers  
**Observations:**Transfer station operating without confining waste to interior. Station has no floor, only soil beneath the roof



May 18, 2022  
 +34.091831,-84.559206 ±5.00m  
 Cherokee County



May 18, 2022  
 +34.091529,-84.559510 ±5.00m  
 Cherokee County

**Photo Number:**3 of 4  
**Date:**5/18/2022**Time:**9:00 AM**Weather:**sunny  
**Location:**Dixie Speedway Transfer Station  
**County:**Cherokee **Photographer:**Jason Rogers  
**Observations:**Waste spilling out the back barrier behind transfer station. Only soil ground for truck pickup driveway

**Photo Number:**4 of 4  
**Date:**5/18/2022**Time:**9:00 AM**Weather:**sunny  
**Location:**Dixie Speedway Transfer Station  
**County:**Cherokee **Photographer:**Jason Rogers  
**Observations:**Waste spilling out the back barrier behind transfer station. Only soil ground for truck pickup driveway