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CIVIL & ENVIRONMENTAL CONSULTANTS

G. Curtis Reynolds, P.E.
President

J. Steven Harbin, P.E.
Senior Consultant

June 29, 2022

Mr. Preston Kilgore
Community Development Director
129 East Memorial Drive
Dallas, GA 30132

**Re: Special Land Use Application
West Dallas LLC
248 West Paulding Industrial Pkwy
Dallas, Georgia 30123
HE Project No. 1360-011-01**

Dear Mr. Preston Kilgore,

We offer the following in response to the comments received from the NWGRC review of the proposed materials recovery facility and transfer station.

There is an existing construction and demolition waste transfer station on an adjacent piece of property, operated by the owner of West Dallas LLC. This existing transfer station is also within approximately 4.4 miles of the Paulding Northwest Atlanta Airport. This airport is a public general aviation airport which serves both single-engine piston-type and turbine/turbojet aircraft.

Regarding airport safety and municipal solid waste landfills (MSWLF units), below is an excerpt from the United States Environmental Protection Agency's Rules, 40 CFR § 258.10 (*emphasis added*):

“(a) Owners or operators of new MSWLF units, existing MSWLF units, and lateral expansions that are located *within 10,000 feet* (3,048 meters) of any airport runway end *used by turbojet aircraft* or *within 5,000 feet* (1,524 meters) of any airport runway end *used by only piston-type aircraft* must demonstrate that the units are designed and operated so that the MSWLF unit does not pose a bird hazard to aircraft.

(b) Owners or operators *proposing to site new MSWLF units* and lateral expansions *within a five-mile radius* of any airport runway end used by turbojet or piston-type aircraft *must notify* the affected airport and the Federal Aviation Administration (FAA).”

Georgia Department of Natural Resources Environmental Protection Division's Solid Waste Program Rules and Regulations are in keeping with the Federal rules as listed above, regarding siting criteria for municipal solid waste landfills and airport safety [GA Reg. 391-3-4-.05(1)(c)].

See Georgia Regulations [391-3-4-.05(1)(c)] below:

“(c) Airport Safety:

1. New MSWLF units or lateral expansions of existing units shall not be located

- within 10,000 feet (3,048 meters) of any public-use or private-use airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any public-use or private-use airport runway end used by only piston-type aircraft.
2. Owners or operators of existing MSWLF units that are located within 10,000 feet (3,048 meters) of any public-use or private-use airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any public-use or private-use airport runway end used by only piston-type aircraft must demonstrate that the units are designed and operated so that the MSWLF units do not pose a bird hazard to aircraft.
 3. Owners or operators proposing to site new MSWLF units and lateral expansions within a five-mile radius of any public-use or private-use airport runway end used by turbojet or piston-type aircraft must notify the affected airport and the Federal Aviation Administration (FAA).
 4. The owner or operator must place the demonstration in paragraph 2. Of this section in the operating record and notify the Director that it has been placed in the operating record not later than October 1, 1993.
 5. For the purposes of this section:
 - a. “Public-use airport” means an airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.
 - b. “Private-use airport” means an airport that is not open to the public and which may not be used without prior permission of the airport owner and which has restrictions other than the physical capacities of available facilities and such airport is shown on the Sectional Aeronautical Charts published by the U.S. Department of Commerce for Atlanta, Jacksonville, or New Orleans, which charts are dated at least one year prior to the submission of a MSWLF permit or major permit modification application.
 - c. “Bird hazard” means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.”

The rules and regulations referenced above are regulating landfills. The proposed development is not a landfill, but rather a materials recovery facility and a transfer station. The Georgia Rules and the Federal Regulations for solid waste do not mention transfer stations being governed with respect to airport safety. The proposed materials recovery facility and transfer station are located approximately 23,250 feet (4.4 miles) from outside the nearest runway of the Paulding Northwest Atlanta Airport, which exceeds the 10,000 feet separation requirements between the end of runway and a municipal solid waste landfill. Additionally, the proposed development is located to the northeast of the airport’s Runway Protection Zone (RPZ), which runs northwest to southeast. The proposed development is located approximately 4.4 miles from the nearest runway at the airport, which is within 5 miles. However, this 5-mile radius is a requirement for landfills to notify the airport and the FAA; it is not a prohibition for a landfill to be permitted, built or expanded (and is not a prohibition for siting and constructing a transfer station).

Regarding the concerns of controlling wildlife access and attraction, below is an excerpt from Georgia Department of Natural Resources Environmental Protection Division's Transfer Station Guidance document (revised June 15, 2011):

"Enclosed structure means a building consisting of an impermeable floor, roof and at least three walls that are capable of confining all solid waste to the building. The building must be constructed to prevent precipitation from reaching solid waste inside the structure. The building must be constructed and oriented in such a manner as to contain waste inside the building and control litter, liquid runoff, vectors and odors. All solid waste unloading and loading must take place inside the building. Solid waste shall not be dumped or allowed to scatter outside the building."

Circular AC 150-5200-33C, Hazardous Wildlife Attractants on or near Airports, states that the FAA "recommends the guidance for land-use planners and developers" in the Circular, and that conformity with the circular is voluntary. Circular AC 150-5300-13B, Airport Design, states that the FAA "recommends using the standards and guidelines", and that conformity with the circular is voluntary except for certain projects. Each FAA Advisory Circular (Circular) states that it "does not constitute a regulation, is not mandatory, and is not legally binding in its own right."

However, if required by the City of Dallas, the proposed materials recovery facility and transfer station will be designed to meet the FAA's definition of a fully enclosed trash transfer station/waste handling facility.

"Enclosed waste-handling facilities that receive garbage behind closed doors; process it via compaction, incineration, or similar manner; and remove all residue by enclosed vehicles generally are compatible with safe airport operations, provided they are constructed and operated properly and are not located on airport property or within the Runway Protection Zone. These facilities should not handle or store putrescible waste outside or in a partially enclosed structure accessible to hazardous wildlife. Trash transfer facilities that are open on one or more sides; or store uncovered quantities of municipal solid waste outside, even if only for a short time; or use semi-trailers that leak or have trash clinging to the outside; or do not control odors by ventilation and filtration systems (odor masking is not acceptable) do not meet the FAA's definition of fully enclosed trash transfer stations. The FAA considers fully enclosed waste-handling facilities constructed or operated incorrectly incompatible with safe airport operations if they are located closer than the separation distances specified in Paragraphs 1.2 through 1.4." (FAA AC 150/5200-33C, Section 2.2.4).

See Sections 1.2, 1.3, and 1.4 of FAA AC 105/5200-33C below, for reference:

"1.2 Airports Serving Piston-Powered Aircraft.

Airports that do not sell Jet-A fuel normally serve piston-powered aircraft. Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 5,000 feet from these airports for any of the hazardous wildlife attractants discussed in Chapter 2 or for new airport

development projects meant to accommodate aircraft movement. This Distance is to be maintained between the closest point of the airport's aircraft operations area and the hazardous wildlife attractant. Figure 1 depicts an example of the 5,000-foot separation distance measured from the nearest aircraft operations area."

"1.3 Airports Serving Turbine-Powered Aircraft

For airports serving turbine-powered aircraft, the FAA recommends a separation distance of 10,000 feet from these airports for any of the hazardous wildlife attractants discussed in Chapter 2 or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between the closest point of the airport's aircraft operations area and the hazardous wildlife attractant. Figure 1 depicts an example of the 10,000-foot separation distance from the nearest aircraft movement areas."

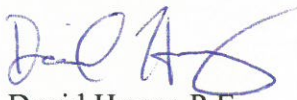
"1.4 Protection of Approach, Departure, and Circling Airspace.


For all airports, the FAA recommends a distance of 5 miles between the closest point of the airport's aircraft operations area and the hazardous wildlife attractant. Special attention should be given to hazardous wildlife attractants that could cause hazardous wildlife movement into or across the approach or departure airspace. Figure 1 depicts an example of the 5-mile separation distance measured from the nearest aircraft operations area."

As mentioned previously, the proposed development is outside the RPZ, and is not on airport property. If required by the City of Dallas, the proposed materials recovery facility and transfer station will be fully enclosed as defined by the FAA AC 150/5200-33C, and will be constructed and operated to be generally compatible with safe airport operations, per Section 2.2.4 on pages 2-3 of the FAA AC 150/5200-33C prior to receiving municipal solid waste. The FAA will be notified at least 120 days prior to construction using FAA Form 7460-1, and notified prior to receipt of municipal solid waste by the proposed materials recovery facility or transfer station. The transfer station and materials recovery facility will be operated in accordance with EPA and Georgia EPD Rules, Regulations and Guidance should only construction and demolition waste be recovered and/or transferred.

Please do not hesitate to contact us if you have any questions, or would like to discuss.

Sincerely,
HARBIN ENGINEERING, P.C.


David Henry, P.E.
Project Engineer


G. Curtis Reynolds, P.E.
Project Manager

Cc: Mr. Brian Stover, West Dallas LLC