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Working Together to Protect the Ogeechee, Canoochee and Coastal Rivers

To: Timothy Callanan, County Manager - Effingham County
From: Ben Kirsch, Legal Director - Ogeechee Riverkeeper
Date: March 28, 2024

Re: Draft Solid Waste Management Plan (dated 10.29.21) for Effingham County

Dear Mr. Callanan and Effingham County Staff:

Thank you for the opportunity to review and provide feedback on the latest draft of the Effingham Solid Waste Management Plan (SWMP). ORK appreciates the time and effort the county has taken to prepare this important document that will safely and effectively address solid waste management throughout the county over the next decade. We also appreciate the revisions to previous drafts of the document that took our previous comments and concerns into account and made the document clearer.

Below are suggestions to further clarify and define the goals envisioned in the SWMP. First, Effingham County will be better positioned to implement the goals of the SWMP if the updates to the solid waste management ordinance are passed before the SWMP. Second, the SWMP should use the most recent Remaining Landfill Capacity databases available on the GA Environmental Protection Division (EPD) website. Third, the SWMP should clearly and narrowly define the zoning and future land use areas that the Joint Comprehensive Management envisioned allowing future landfills to be sited in.

1. Passage of Solid Waste Management Ordinance

Ogeechee Riverkeeper (ORK) suggests that Effingham County delays the passing of this Solid Waste Management Plan until it completes its expected updates to the solid waste management ordinance. As of this letter, the municode website only shares the 2002 solid waste management ordinances. Fully up-to-date ordinances will ensure the SWMP is implemented properly and without confusion.

Section VI of the SWMP, starting on page 32, addressing the "Land Limitation Element " makes regular reference to both the Effingham County Code of Ordinances, generally, and forthcoming amendments related to address the development of Solid Waste facilities. It is important that the anticipated updates to the Code of Ordinances envisioned in the SWMP are actually passed and effective prior to finalizing this SWMP. The planned zoning, siting, and developmental restriction updates could be bypassed by a prospective landfill developer in the interim period between the SWMP's passage and the future passage of ordinance updates.

Section VI.B on page 32 states that “Outside of the Code of Ordinances, the Solid Waste Management Plan is the only planning document that has specific legal authorization to govern the siting and operation of a solid waste handling facility.” With these two documents taking central importance, both should be completed together as to avoid any unintended consequences of delay ordinance amendment and passage.

2. Updates to Remaining Landfill Capacities

On pages 23 and 30, the SWMP cites the “Georgia EPD’s 2020 Remaining Capacity Database.” In the intervening years since the Plan’s original drafting, the EPD has put out two new databases. At the time of our letter, the most recent database is for 2022.¹ For the most current data, ORK suggests that Effingham County uses this most recent database.

Here is a list of the edits needed to reflect the 2022 Remaining Capacity Database:

- Pg. 23 - “Superior Landfill was reported to have approximately ~~twelve (12)~~ six (6) years (or until ~~November 2032~~ June 2030) of operational life remaining in the Georgia EPD’s ~~2020~~ 2022 Remaining Capacity Database.”
- Pg. 30, § 1 re: Superior Landfill - “The Superior Landfill was reported to have approximately ~~8,141,377~~ 6,686,585 Cubic Yards (CY) of remaining capacity in ~~2020~~ 2022. The remaining capacity was reported to provide approximately ~~twelve (12)~~ six (6) years of operational life, or until ~~November 2032~~ June 2030.”
- Pg. 30, § 2 re: Broadhurst Environmental Landfill - “The Broadhurst Landfill was reported to have approximately ~~45,185,557~~ 48,426,524 CY of remaining capacity in ~~2020~~ 2022. The reported remaining capacity is estimated to provide approximately ~~88~~ 98 years of operational life.”
- Pg. 30, § 3 re: Savannah Regional Industrial Landfill - “The Savannah Regional Industrial Landfill was reported to have approximately ~~178,991~~ 227,803 CY of remaining capacity in ~~2018~~ 2022. The reported remaining capacity is estimated to provide approximately ~~four (4) years~~ one (1) year of operational life.”
 - It should be noted that the 2022 Remaining Capacity Database noted an “Estimated Fill Date” of December 30, 2022.

With the shortened expected operational lifetime of both Superior Landfill and the Savannah Regional Industrial Landfill, suggests that Effingham County confirms these options are available during the 10-year planning window of this SWMP. Effingham County should obtain new or updated letters of assurance from these three facilities to ensure disposal capacity is sufficient through 2034.

Additionally, in order to meet any remaining capacity issues, Effingham County should consider including a list of other landfills available to meet disposal needs. The following table shows landfills within a reasonable distance of Effingham County that, as of EPD’s 2022 Remaining Capacity database, have available disposal capacity that could meet the county’s needs. ORK suggests including this and any other landfill capacity that Effingham County could utilize in this SWMP.

| Facility | Owner / | Facility | Waste | Estimated | Year to | Permit |
|----------|---------|----------|-------|-----------|---------|--------|
|----------|---------|----------|-------|-----------|---------|--------|

¹ See <https://epd.georgia.gov/about-us/land-protection-branch/solid-waste/regulated-solid-waste-facilities>.

| Name | Operator | Type | Accepted | Remaining Capacity (yards) | Reach Capacity | Number |
|-------------------------------------------------------------------|------------------------------------------------|--------------|--------------------------|----------------------------|----------------|-----------------|
| Candler County Landfill | Candler County Public Works | MSW Landfill | MSW, other non-hazardous | 116,124 | 2029 | 021-006D (MSWL) |
| Jefferson County Landfill (MSWL CR 138 Waste Management Facility) | Jefferson County Landfill Department | MSW Landfill | MSW, other non-hazardous | 1,314,022 | 2057 | 081-011D (MSWL) |
| Richmond County Municipal Solid Waste Landfill | August-Richmond County Landfill Division | MSW Landfill | MSW, other non-hazardous | 58,580,164 | 2122 | 121-018D (MSWL) |
| Toombs County Landfill | Toombs County Solid Waste Division | MSW Landfill | MSW, other non-hazardous | 446,684 | 2024 | 138-006D (MSWL) |
| Dean Forest Landfill | City of Savannah Department of Refuse Disposal | MSW Landfill | MSW, other non-hazardous | 4,570,422 | 2059 | 025-051D (MSWL) |
| Old Macon Road Landfill | Laurens County Landfill Department | MSW Landfill | MSW, other non-hazardous | 4,887,414 | 2124 | 087-015D (MSWL) |
| Wolf Creek Landfill | Waste Management | MSW Landfill | MSW, other non-hazardous | 17,942,902 | 2050 | 143-008D (MSWL) |
| Athens Clarke County Landfill | Athens Clarke County Solid Waste Department | MSW Landfill | MSW, other non-hazardous | 5,396,718 | 2059 | 029-012D (MSWL) |
| Houston County Landfill | Houston County Public Works | MSW Landfill | MSW, other non-hazardous | 48,969,425 | 2155 | 076-020D (MSWL) |
| Macon Walker Road MSW Landfill | Macon-Bibb County Solid Waste Department. | MSW Landfill | MSW, other non-hazardous | 320,882 | 2027 | 011-017D (MSWL) |

| | | | | | | |
|---------------------------|----------------------------------------------------|--------------|--------------------------|------------|------|-----------------|
| Chesser Island Landfill | Waste Management | MSW Landfill | MSW, other non-hazardous | 48,048,832 | 2061 | 024-066D (MSWL) |
| Strickland Loop Rd | Monroe County Waste Management Landfill Department | MSW Landfill | MSW, other non-hazardous | 2,642,832 | 2061 | 102-008D (MSWL) |
| Oak Grove Landfill | Republic Services | MSW Landfill | MSW, other non-hazardous | 5,042,108 | 2030 | 007-020D (MSWL) |
| Habersham County Landfill | Habersham County Landfill & Recycling Department | MSW Landfill | MSW, other non-hazardous | 1,190,968 | 2037 | 068-020D (MSWL) |
| Telfair County Landfill | Telfair County | MSW Landfill | MSW, other non-hazardous | 86,426 | 2023 | 134-015D (MSWL) |

3. Landfills Exclusively Limited to Industrial and Utility Areas

To ensure that landfills conform with the comprehensive planning completed in 2019, ORK asks that the SWMP explicitly state that landfills be exclusively limited to industrial or utility areas.

Page 37 of the SWMP states that landfill siting and zoning decisions should be based on the 2020-2040 Joint Comprehensive Management Plan adopted in 2019. It states that “Industrial Land use is the most suitable land use for Landfill areas.” This leaves opportunities for landfill to potentially be sited in unintended areas. Specificity is important for limiting the siting locations of any future landfills in Effingham County as envisioned by the Joint Comprehensive Plan.

ORK suggests that the sentence cited above be revised to state “Industrial and Transportation/Utility Land Use ~~is~~ are the ~~most~~ only suitable land uses for Landfill Areas.” Based on pages 28 and 29 of the Joint Comprehensive Plan,² these appear to be the only acceptable locations for a landfill to operate. If that is the case, it is preferable to be as clear as possible with that limitation in the SWMP.

4. Point of Clarification

On page 27, addressing water collection contingencies, the SWMP refers to properties the County and cities have “including the Dry Waste Collection and Recycling Convenience Center” that could act as solid waste receiving locations in the event of an emergency. Presumably, these sites already have some waste handling permits and approvals. Are these sites permitted to take on all of the solid waste demands that might arise in the event of an emergency?

² See <https://www.effinghamcounty.org/DocumentCenter/View/3409/Effingham-County-2020-2040-Joint-Comprehensive-Plan>

On page 41, the SWMP refers to the “Effingham County Comprehensive Growth Plan” as part of the “zoning and land use ordinances applicable for Effingham County. A quick search of the Effingham County and the GA Department of Community Affairs websites did not return a document with that specific title. Is this referring to the 2020-2024 Joint Comprehensive Management Plan? If so, ORK suggests keeping that language consistent with the rest of the document and title that as the “2020-20240 Joint Comprehensive Management Plan.” If it is its own separate document, we would appreciate being pointed in the direction of that document.

Thank you in advance for your time and consideration; please let me know if you have any questions:
ben@ogeecheeriverkeeper.org.

Ben Kirsch, Legal Director
Ogeechee Riverkeeper