

**Rules  
Of  
Georgia Department of Community Affairs**

**Chapter 110-4-3  
Minimum Planning Standards and Procedures for  
Solid Waste Management**

**TABLE OF CONTENTS**

**110-4-3-.01 Purpose**  
**110-4-3-.02 Definitions**  
**110-4-3-.03 Duties and Responsibilities**  
**110-4-3-.04 Minimum Planning Standards**  
**110-4-3-.05 Minimum Procedural Standards**

**110-4-3-.01  
PURPOSE**

**110-4-3-.01 Purpose**

- (1) **General:** The Standards and Procedures provided herein are for the implementation of the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 *et seq.*, and are intended to provide a framework to facilitate and encourage integrated, comprehensive solid waste management planning at the local, multi-jurisdictional, and regional levels. As the Act also established an integral relationship between solid waste planning, reporting, and permitting, the Minimum Standards and Procedures are designed to promote and reinforce the link between solid waste plans, the Solid Waste Annual Survey and Full-Cost Report, and solid waste grants, loans, and facility permits.
- (2) **Applicability:** The following Standards and Procedures, including the minimum standards and procedures that are adopted or promulgated from time to time by the Department pursuant to the Administrative Procedure Act, are applicable to all comprehensive solid waste management plans submitted to the Department for their review and approval.
- (a) The rules shall also apply to all other facets of the solid waste management planning process as outlined in the Solid Waste Management Act, such as, but not limited to, provisions relating to conflict resolution and to the determination of eligible local governments, or permit consistency. An applicant's eligibility for solid waste grants, loans, and permits is contingent upon a local government having adopted its plan.
- (b) The minimum standards and procedures authorized pursuant to O.C.G.A. § 12-8-31.1, relating to solid waste management planning shall become effective on January 1, 2004

and replace the rules that were previously adopted for this purpose by the Board of Community Affairs which became effective on February 1, 1994.

- (c) These minimum planning standards and procedures for solid waste management shall be used to guide the preparation, development, and review of all local government solid waste management plans or short term work program updates that are intended to meet local government requirement eligibility requirements on or after January 1, 2004.
- (d) Those local governments with a Short-Term Work Program (STWP) due after January 1, 2004 and before December 31, 2007 are required to report on the plan accomplishments as listed in their approved plan, demonstrate 10 years of disposal capacity from the date of submission of the new STWP, and prepare an implementation strategy that addresses the planning elements in their existing, approved solid waste management plan. The updated implementation strategy will provide a schedule of proposed activities covering the years between the date of submission of the new STWP up to the due date for their next 10 year Solid Waste Management Plan.

**(3) Legislative Intent:** The legislature has provided that solid waste management planning by the State, local governments, and Regional Development Centers within the State is necessary to prevent environmental degradation, to manage resources, and to effectively reduce and manage solid waste for the State and its residents. The State has an interest in promoting and sustaining an effective comprehensive solid waste management strategy that addresses waste reduction, collection, transfer, and disposal.

- (a) To achieve that end, the 1990 session of the Georgia General Assembly passed the Georgia Comprehensive Solid Waste Management Act. The Act, among other things, declares that in order to receive a permit, grant, or loan for a solid waste management facility, each city and county shall develop or be included in a comprehensive solid waste management plan. In addition, under the Act, any request for a solid waste handling facility permit or funding for publicly owned and operated solid waste facilities or equipment must be consistent with the solid waste management plans of all affected local governments.
- (b) The Act declares that it is the policy of the State of Georgia to educate and encourage generators and handlers of solid waste to reduce and minimize to the greatest extent possible the amount of solid waste which requires collection, treatment, or disposal, through source reduction, reuse, composting, recycling, and other methods, and to promote markets for and engage in the purchase of goods made from recovered materials and goods which are recyclable.
- (c) The Act requires the development of a State Solid Waste Management Plan, to which local, multi-jurisdictional, or regional plans must conform. It also required preparation of

these Minimum Planning Standards and Procedures for Solid Waste Management, to guide preparation of local, multi-jurisdictional, or regional plans.

- (d) Cities and counties are encouraged by the Act to jointly develop multi-jurisdictional and/or regional plans, preparation of which is to be guided by the Minimum Planning Standards and Procedures for Solid Waste Management.
- (e) The Solid Waste Management Act requires that each solid waste management plan meet the following criteria:
  1. Each solid waste management plan is to provide for the assurance of adequate solid waste collection capability and disposal capacity within the planning area for at least ten years from the date of plan completion.
  2. Each solid waste management plan relying upon a landfill in Georgia for waste disposal, shall have a program in effect to reduce by 25 percent the per capita rate of municipal solid waste disposed statewide in solid waste facilities as compared with the per capita municipal solid waste disposal rate in FY 1992.
  3. Each solid waste plan must identify all solid waste handling facilities within the plan's area as to size and type.
  4. Each solid waste management plan must identify land areas unsuitable for solid waste handling facilities based on environmental and land use factors.
- (f) In addition, the Act requires each local government (or group of jurisdictions which are part of a multi-jurisdictional or regional plan) report annually to the Department on their progress in meeting Statewide solid waste reduction goals and on the costs of solid waste management programs and services within their jurisdiction. The vehicle for providing this information to the Department is the Annual Solid Waste Survey and Full-Cost Report. The information provided by local governments on the Annual Survey and Full-Cost Report must be reasonably consistent with that provided in the local governments' plans and solid waste disposal and landfill capacity reports.

(4) **Interpretation:** The standards and procedures promulgated hereunder are intended to provide for integrated solid waste management and coordination of solid waste management planning among local, multi-jurisdictional, regional, and state levels within the State of Georgia. Such standards and procedures should be liberally construed to achieve that end.

**CHAPTER 110-4-3-.02  
DEFINITIONS**

**110-4-3-.02 Definitions**

(1) **General:** For the purpose of these rules, the following words shall have the meaning as contained herein unless the context does not permit such meaning. Terms not defined in these rules but defined in O.C.G.A. § 12-8-20 *et seq.*, shall have the meanings contained

therein. Terms not defined in these rules, or in O.C.G.A § 12-8-20 *et seq.*, shall have ascribed to them the ordinary accepted meanings such as context may imply.

**(2) Definitions:** The following terms and definitions shall be used to guide the implementation of the solid waste management planning process.

- (a) "Annual Survey" means the survey instrument that is distributed by the Department to local governments on an annual basis in order to compile Georgia solid waste management data. The survey includes the status of local and regional solid waste management activities, the full-cost report, and solid waste reduction practices.
- (b) "Board" means the Board of the Georgia Department of Community Affairs.
- (c) "Board of Directors" means the Board of Directors of a Regional Development Center.
- (d) "Board of Natural Resources" means the Board of the Georgia Department of Natural Resources.
- (e) "Capital Costs" means any cost for or associated with the purchase of tangible assets such as land, roads, buildings, and equipment, including improvements, modifications, or additions which increase the value, usefulness, or life of these assets.
- (f) "Comprehensive Plan" means any plan by a county or municipality covering such county or municipality or any plan by a Regional Development Center covering the center's region proposed or prepared pursuant to the minimum standards and procedures for preparation of comprehensive plans and for implementation of comprehensive plans, established by the Department in accordance with the O.C.G.A. § 50-8-7.1(b) and §50-8-7.2.
- (g) "Comprehensive Solid Waste Management Plan" means any solid waste management plan by a county or municipality, any group of local jurisdictions agreeing to plan together, or any local or regional solid waste authority, or any plan by a Regional Development Center on behalf of a member county or municipality, covering such county or municipality individually or in conjunction with other local governments prepared pursuant to the minimum standards and procedures for comprehensive solid waste management plans and for implementation of comprehensive solid waste management plans, established by the Department in accordance with O.C.G.A. § 12-8-31.1.
- (h) "Composting" means the controlled biological decomposition of organic matter into a stable, odor-free humus.
- (i) "County" means any county of the State of Georgia.

- (j) "Days" means calendar days, unless otherwise specified.
- (k) "Department" means the Georgia Department of Community Affairs.
- (l) "Developments of Regional Impact" means any project that requires local government action to proceed and that exceeds the minimum thresholds established by the Department. Such procedures and guidelines to govern developments of regional impact shall be promulgated by the Department pursuant to O.C.G.A. § 50-8-7.1(b)(3).
- (m) "DNR" means the Georgia Department of Natural Resources.
- (n) "Eligible Local Government" means a government has adopted and notified the Department of its adoption of a solid waste management plan and short-term work program update that the Department has determined meets the Minimum Standards and Procedures for Solid Waste Management Planning.
- (o) "Enterprise Fund" means a fund established to account for operations that are financed and operated in a manner similar to private business enterprises:
1. Where it is the intent of the governing body to finance or recover the costs of providing goods or services primarily through user charges; or
  2. Where the governing body has decided that periodic determination of revenues earned, expenses incurred, and net income are appropriated for capital maintenance, public policy, management control, accountability, or other related purposes.
- (p) "EPD" means the Environmental Protection Division of the Georgia Department of Natural Resources.
- (q) "Fee Schedule" means a detailed schedule listing the goods or services provided by a government and any fees, rates, or special taxes assessed or charged for these goods or services.
- (r) "Full-Cost Report" means the use of an accounting system that isolates, and then consolidates for reporting purposes, the direct and indirect costs that relate to the operation of the solid waste management system.
- (s) "Georgia Comprehensive Solid Waste Management Act" means the Georgia Comprehensive Solid Waste Management Act of 1990, O.C.G.A. § 12-8-20 *et seq.*, which establishes the statutory authority for local governments to develop solid waste management plans. The Act also requires local governments to report annually to the Department and to the public the amount of solid waste generated and the cost of disposing of that waste.

- (t) "Georgia Planning Act" means the Georgia Planning Act of 1989, O.C.G.A. § 50-8-1 *et seq.*, which establishes the statutory authority for local governments to undertake comprehensive plans which comply with the Minimum Planning Standards and Procedures as established by the Department.
- (u) "Governing Body" means the board of commissioners of a county, sole commissioner of a county, council, commissioners, or other governing authority of a county, municipality, or solid waste authority.
- (v) "Household Hazardous Waste" (HHW) means unwanted household products that are labeled as flammable, toxic, corrosive, or reactive.
- (w) "Implementation Strategy" means the narrative and year-specific description that each county and municipality must submit as an element of a comprehensive solid waste management plan. An implementation strategy describes how each local government intends to implement its comprehensive solid waste management plan through a ten-year period, including a listing of public actions to be undertaken by the community toward implementation of the comprehensive solid waste management plan and the related costs of such actions. For regional plans, the implementation strategy must also detail solid waste management activities to be undertaken by any regional entity, or by any local government on behalf of other local governments through contracts or other formal arrangements.
- (x) "Local Government" means any county, municipality, or other political subdivision of the state.
- (y) "Local Plan" means the solid waste management plan for any county or municipality.
- (z) "Mediation" means the process to be employed by the Department and/or Regional Development Centers for resolving conflicts which may arise from time to time in the coordinated and comprehensive planning process. Such procedures and guidelines to govern mediation shall be promulgated by the department pursuant to O.C.G.A. § 50-8-7.1(d).
- (aa) "Minimum Standards and Procedures" means the minimum standards and procedures, including the minimum elements which shall be addressed and included for preparation of local, multi-jurisdictional, and regional solid waste management plans, for implementation of local comprehensive plans, and for participation in the coordinated and comprehensive planning process. Minimum standards and procedures may include any elements, standards, and procedures for such purposes prescribed by a Regional Development Center for counties and municipalities within its region and approved in advance by the department, in accordance with O.C.G.A. § 50-8-1 *et seq.* and the rules and guidelines developed by the Department.

Formatted: Bullets and Numbering

- | **(bb)** "Mulch" a byproduct typically comprised of materials from land clearing and yard trimmings that have been size-reduced by grinding, chipping, or shredding and used *on top of the soil* to retain moisture around vegetation or for aesthetic purposes. ← --- Formatted: Bullets and Numbering
  
- | **(cc)** "Multi-Jurisdictional Plan" means a solid waste management plan adopted pursuant to O.C.G.A. § 12-8-31.1 covering one or more counties, municipality or municipalities, or solid waste authority or solid waste authorities. ← --- Formatted: Bullets and Numbering
  
- | **(dd)** "Municipal Solid Waste" means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include recovered materials, or solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations. ← --- Formatted: Bullets and Numbering
  
- | **(ee)** "Municipality" means any municipal corporation of the state and any consolidated city-county government of the state. ← --- Formatted: Bullets and Numbering
  
- | **(ff)** "Operating Costs" means any costs incurred during the normal course of the operation of a business, government, or organization, including expenditures for items such as salaries, wages, and benefits; supplies and utilities; and gas, oil, and maintenance. ← --- Formatted: Bullets and Numbering
  
- | **(gg)** "Plan Amendment" means a significant action by a local government to change its currently approved solid waste management plan. Amendments shall be deemed necessary when the local government feels conditions have changed dramatically so as to alter the basic tenets of its approved solid waste plan. ← --- Formatted: Bullets and Numbering
  
- | **(hh)** "Plan Approval" means the certification conferred by the Department acknowledging that a local government has prepared, submitted to the regional development center for review, and has received written approval from the Department that their plan, plan amendment, or short-term work program update meets the minimum standards and procedures and may be adopted. ← --- Formatted: Bullets and Numbering
  
- | **(ii)** "Recovered materials" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing. ← --- Formatted: Bullets and Numbering
  
- | **(jj)** "Recycling" means any process by which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products. ← --- Formatted: Bullets and Numbering
  
- | **(kk)** "Regional Authority" means a group of jurisdictions that have joined together for a single purpose as a legally constituted entity. Regional authorities: ← --- Formatted: Bullets and Numbering

1. Are governed by a Board of Directors which represents the interests of the member jurisdictions;
2. Can incur bonded indebtedness without a public referendum; and
3. Can enter into contracts for the development and operation of facilities.

- | **(ll)** "Regional Development Center" means a Regional Development Center established under O.C.G.A. § 50-8-32. ← - - - Formatted: Bullets and Numbering
- | **(mm)** "Regional Plan" means a solid waste management plan that addresses one or more of the planning elements on a regional basis. A regional plan shall cover two or more counties and may include one or more municipality within those counties. ← - - - Formatted: Bullets and Numbering
- | **(nn)** "Short Term Work Program" means that portion of the Implementation Strategy that lists the specific actions to be undertaken annually by the local government over the upcoming five years to implement the approved comprehensive solid waste management plan. ← - - - Formatted: Bullets and Numbering
- | **(oo)** "Solid Waste" means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. § 1342; or source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended (68 Stat. 923). ← - - - Formatted: Bullets and Numbering
- | **(pp)** "Solid waste disposal and landfill capacity reports" means reports required by DNR Rule 391-3-4-.17 to be filed with the Director of DNR by holders of municipal solid waste disposal and landfill permits showing quarterly amount disposed and remaining landfill capacity. ← - - - Formatted: Bullets and Numbering
- | **(qq)** "Solid Waste Handling" means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities. ← - - - Formatted: Bullets and Numbering
- | **(rr)** "Solid Waste Handling Facility" means any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. ← - - - Formatted: Bullets and Numbering
- | **(ss)** "Solid Waste Handling Permit" means written authorization granted to a person by the Director of the Georgia Environmental Protection Division to engage in solid waste handling. ← - - - Formatted: Bullets and Numbering

(tt) "Source Reduction" means actions taken to prevent the generation of waste in the first place.

(uu) "Subtitle D" means the 1991 amendments to Subtitle D of the Resource Conservation and Recovery Act, 40 CFR Part 257 and 258. These amendments, adopted by the State of Georgia in DNR Rule 391-3-4, require, among other things, specific design standards for solid waste landfills, such as synthetic liners, leachate collection and treatment, groundwater monitoring, and methane collection systems, intended to extend an extra measure of protection to air and water quality. Formatted: Bullets and Numbering

(vv) "State Agency" means any department, agency, commission, or other institution of the executive branch of the government of the State of Georgia. Formatted: Bullets and Numbering

(ww) "State Plan" means the State Solid Waste Management Plan prepared by the Georgia Department of Community Affairs and the Georgia Department of Natural Resources, including any revisions or amendments thereto. Formatted: Bullets and Numbering

(xx) "Waste Stream Analysis" means an inventory and analysis of the solid waste stream, including amounts of waste being generated and/or disposed, the source of the waste (i.e., residential, commercial), and a characterization of the waste by composition (i.e., paper, food, yard trimmings). A waste stream analysis also includes a percentage accounting of the waste stream by source and by composition. Formatted: Bullets and Numbering

(yy) "[Waste to energy facility](#)" or [WTE](#) means a solid waste handling facility that provides for the extraction and utilization of energy from municipal solid waste through a process of combustion.

### CHAPTER 110-4-3-.03 DUTIES AND RESPONSIBILITIES

#### 110-4-3-.03 Duties and Responsibilities

(1) **General:** Comprehensive solid waste management planning at local and regional levels in the state is critical to assisting communities in meeting the statewide goal of reducing waste, providing for effective solid waste management, and ensuring ten years of collection capability and disposal capacity. In order to effectively implement the planning provisions of the Solid Waste Management Act, ongoing cooperation must occur among local governments, Regional Development Centers, citizens, private industry, and state agencies.

The following outlines the responsibilities of those involved with implementing solid waste management planning.

(2) **Department of Community Affairs:** It is the responsibility of the Department to promote the policy of the State of Georgia, in furtherance of its responsibility to protect the public

health, safety, and well-being of its citizens and to protect and enhance the quality of its environment, to institute and maintain a comprehensive state-wide program for effective solid waste management through planning and education.

- (a) The Department shall develop, promote, and establish standards and procedures for solid waste management planning; and have plenary authority over solid waste management planning in the State of Georgia.
- (b) The Department shall assist local governments by providing technical assistance in preparing and implementing solid waste management plans which address the integrated solid waste management needs of their residents.
- (c) The Department shall use all available resources, including the solid waste management plans of local governments to encourage and promote regional alternatives for solid waste management.
- (d) The Department shall undertake and carry out such activities as may be necessary to mediate or otherwise assist in resolving conflicts relating to the solid waste management planning process, in the same manner as those procedures established pursuant the Georgia Planning Act, O.C.G.A. § 50-8-1 *et seq.*
- (e) The Department shall coordinate solid waste management planning responsibilities outlined in the Act with those of other state agencies, Regional Development Centers, and local governments.
- (f) The Department shall review all solid waste management plans and amendments for consistency with the Minimum Planning Standards and Procedures. For plans found to be in compliance, the Department will issue a letter notifying the Regional Development Center serving the local government(s) within the planning jurisdiction that the plan is eligible for local adoption. Once the Department receives written confirmation that all local governments in a multi-jurisdictional plan, or the local government in a single plan, have adopted the plan, the Department will notify the local government(s) in writing that their plan is approved and they are eligible for municipal solid waste handling and/or facility grants, loans, and permits.
- (g) The Department may verify reasonable consistency between the data reported by local governments on the Annual Solid Waste Survey and in the Full-Cost Report with the information compiled in each local government's solid waste management plan. Where reporting is found to be in conflict with plans, the Department will require the local government to amend either the report or the plan to reflect actual conditions of solid waste management programs and activities within the jurisdiction.
- (h) The Department will compile the results of the Annual Solid Waste Survey and Full-Cost Report, along with information gathered by EPD regarding the amount of solid waste handled by permitted disposal facilities and remaining capacities at permitted landfills,

and report that information to the Governor and the General Assembly on an annual basis.

**(3) Department of Natural Resources/Environmental Protection Division:** It is the responsibility of DNR/EPD to promote the policy of the State of Georgia, in furtherance of its responsibility to protect the public health, safety, and well-being of its citizens and to protect and enhance the quality of its environment, to institute and maintain a comprehensive state-wide program for effective solid waste management through facility permitting, permit compliance, and enforcement of solid waste management regulations. Accordingly, DNR may undertake the following:

(a) Review local, multi-jurisdictional, and regional solid waste management plans for:

1. Effective and sound solid waste management strategies;
2. Compliance with DNR rules, regulations, and individual facilities' permit conditions; and
3. Consistency of permit requests with solid waste plans.

(b) Verify ten-year disposal capacity assurance as presented in solid waste plans.

(c) Coordinate with the Department of Community Affairs to verify remaining capacities in permitted disposal facilities.

(d) Compile reports of the amount of waste handled by permitted solid waste disposal facilities and remaining capacities at permitted landfills in Georgia, and provide that information to the Department of Community Affairs by January 1 of each year.

**(4) Local Governments:** It is the responsibility of municipal and county governments in the State of Georgia to serve the public needs by promoting, establishing and implementing sound comprehensive solid waste management planning. Accordingly, the governing body of municipalities and counties shall have the authority and responsibility to:

(a) Develop and implement solid waste management plans at the local, multi-jurisdictional, or regional level. However, no municipality or county shall take any action to adopt a solid waste management plan until receipt of notification from their Regional Development Center that the plan has been reviewed and found by the Department to be

consistent with the minimum planning standards and procedures for solid waste management.

(b) Develop, establish, and implement land use regulations that are consistent with the solid waste management plan.

- (c) Take all action necessary or desirable to implement the approved and adopted comprehensive solid waste management plan.
- (d) Participate in good faith in mediation or other forms of resolving conflicts related to solid waste management plans and regional solid waste management planning issues.
- (e) Complete and provide to the Department of Community Affairs a Solid Waste Annual Survey and Full-Cost Report in a timely fashion.

**(5) Regional Development Centers:** It is the responsibility of Regional Development Centers in the State of Georgia to serve the public needs by providing necessary technical assistance to local governments to promote, establish, and implement comprehensive solid waste management planning by municipal and county governments and regional coalitions in conformity with the minimum planning standards and procedures for Solid Waste Management. The specific responsibilities of Regional Development Centers are:

- (a) If requested, assist one or more counties or municipalities, or both, in developing, establishing, and/or implementing a solid waste management plan.
- (b) To undertake and carry out such planning and technical assistance activities as the Board of Directors or the Department may deem necessary for the development and implementation of solid waste management plans for municipalities and counties, or any combination of the two in its region.
- (c) Specific planning and technical assistance activities may include, but shall not be limited to, the following:
  - 1. A Center may coordinate and provide planning technical assistance to local governments preparing solid waste management plans.
  - 2. A Center may develop and prepare a solid waste management plan for a county or municipality or a combination thereof.
  - 3. A Center may provide technical assistance and/or prepare a solid waste management plan specifically for the purpose of promoting regional alternatives and solid waste management solutions.
  - 4. Each Center shall review solid waste management plans for internal inconsistencies and potential inter-jurisdictional conflicts or conflicts with other local government plans in the region, including but not limited to a local government's Comprehensive Plan.

5. Each Center shall coordinate mediation or other forms of resolving conflicts relating to solid waste management plans among local governments within its region, pursuant to the procedures of Mediation of Interjurisdictional Conflicts adopted by the Board of Directors of the Department of Community Affairs and as amended.
6. Each Center shall also participate in good faith in mediation or other forms of resolving conflicts relating to solid waste management plans when such conflict involves another Regional Development Center.
7. Each Center shall determine the effect of any government's failure to adopt a multi-jurisdictional or regional plan, or an amendment to such, on the ability of the other jurisdictions to successfully implement the plan, and make recommendations to the Department regarding plan acceptance and permit eligibility.
8. Each center shall manage the Development of Regional Impact process according to the procedures and guidelines promulgated by the Department.

**(6) Privately Owned Solid Waste Handling Facilities:** It is the responsibility of privately owned solid waste handling facilities in the State of Georgia to operate in compliance with Georgia Code. Accordingly, in order for a solid waste facility to be considered consistent with the planning standards a solid waste facility must, at a minimum:

- (a) When seeking a permit or permit modification, demonstrate that all generating jurisdictions from which waste will be received are part of an approved solid waste management plan and have a strategy to meet, and are actively engaged in meeting, the goal to reduce by 25 percent the per capita rate of municipal solid waste disposed statewide in solid waste facilities as compared with the per capita municipal solid waste disposal rate in FY 1992.
- (b) Maintain accurate written records of the amount, in tons, of solid waste received at their municipal solid waste disposal facility.

#### **CHAPTER 110-4-3-.04 MINIMUM PLANNING STANDARDS**

##### **110-4-3-.04 Minimum Planning Standards**

- (1) General:** Pursuant to O.C.G.A. § 12-8-31.1, the Minimum Planning Standards and Procedures outline the steps required to prepare and implement a local, multi-jurisdictional, or regional solid waste management plan. Since the initial implementation of the minimum planning standards, solid waste planning efforts have resulted in
- the diversion of recyclable materials from the waste stream and provided them as valuable resources for industries,
  - created jobs,
  - reduced dependency on precious natural resources,

- enhanced environmental stewardship, and
- contributed to the reduction of pollution in many areas across the state.

To maintain the momentum established through past planning efforts, the updated standards provide a framework for plan preparation that requires local governments to: assess the current status of solid waste management within a planning area, determine their solid waste planning needs and goals, and determine how an effective and comprehensive solid waste management program will be implemented within their jurisdiction.

(a) All solid waste management plans must include the following planning elements: waste disposal stream analysis; waste reduction; collection; disposal; land limitation; education and public involvement; and an implementation schedule. Each plan as stated in O.C.G.A. § 12-8-31.1(b) shall, at a minimum, provide for the assurance of adequate solid waste handling capability and capacity within the planning area for at least ten years from the date of completion of the plan.

(b) The plan shall specifically address

1. an adequate collection and disposal capability;
2. enumerate the solid waste handling facilities as to size and type; and
3. identify those sites which are not suitable for solid waste handling facilities based on environmental and land use factors.

(c) All local governments developing solid waste management plans are required to provide adequate opportunity for public participation in the planning process.

(d) As communities re-evaluate their planning process, they may find that there is a need to join with neighboring communities to ensure the efficient and successful implementation of their solid waste management programs. Where applicable, the plan must focus on inter-jurisdictional relations or considerations within each planning element. Multi-jurisdictional plans shall state specific relationships and management responsibilities for each planning element. Regional plans shall state the specific relationships and management responsibilities for each planning element in the plan, clearly identifying those elements which will be managed on a regional basis.

(2) **Minimum Planning Requirements:** Pursuant to O.C.G.A. § 12-8-31.1, the Department is authorized to establish minimum planning standards and procedures to be addressed by local governments in the solid waste management planning process.

(a) When preparing a solid waste management plan and after determining and declaring the planning area as either a local, multi-jurisdictional, or regional solid waste management plan, each plan must address the following five core planning elements which shall be preceded by a waste stream analysis and followed by an implementation schedule. Each of the five core elements shall be addressed under routine operating conditions:

- waste disposal stream analysis,
- **waste reduction,**

- **collection,**
- **disposal,**
- **land limitation,**
- **education and public involvement,** and
- an implementation schedule.

Under special conditions resulting from any type of disaster which generates significant volumes of waste and/or special wastes the plan shall identify procedures for the collection, waste reduction (recycling), disposal, and public notification of alternative programs for the commercial and residential waste generated from the disaster.

- (b) Multi-jurisdictional plans shall state specific relationships and management responsibilities among the participating governments for each planning element. Regional plans shall identify planning elements that are managed on a regional basis and state the specific relationships and management responsibilities among the participating governments for each element. Nothing in these rules, however, shall be construed to prohibit a community from preparing and submitting a solid waste management plan that exceeds these minimum planning standards and procedures. The minimum requirements for a successful solid waste management plan are specified below:

**(3) Defining the Planning Jurisdiction/Unit**

- (a) Jurisdictions that agree to plan together shall identify all local governments that are included in the solid waste management plan.
1. Jurisdictions that agree to plan together will maintain the planning relationships established in the approved and adopted plan throughout the planning period, including the five-year Short-Term Work Program update.
  2. All participating local governments must adopt the Solid Waste Plan, the Short-Term Work Program, Plan Amendments, and/or Plan Updates before the Department will make an eligibility determination for any of the local governments participating in the plan.
  3. If any of the participants decide to break from the planning arrangement and pursue solid waste management planning independent of the original group, the approved and adopted plan must be amended, submitted for approval, and adopted by the remaining local governments.
  4. Any local government opting out of a multi-jurisdictional or regional plan will immediately become an ineligible government and will remain so until it adopts a full Solid Waste Management Plan that encompasses all the planning elements and covers their jurisdiction.

- (b) The introduction to the plan will include, but is not limited to, an overview of the area covered by the plan: location in the state, topographic information, population, seasonal population variation if appropriate, number of households, and types of commercial, manufacturing, and industrial businesses in the planning area.

#### **(4) Waste Disposal Stream Analysis**

- (a) The Waste Disposal Stream Analysis shall provide an inventory of waste stream generators (e.g., residential, commercial, industrial, C&D, etc.), the types of waste they contribute to the waste disposal stream (e.g. paper, plastic, metal, etc.) and an estimate for these various components as a percentage of the total waste stream. It is not anticipated that each local government will conduct its own waste stream characterization study, but may rely upon the waste characterization study conducted by the state or on other comparable information. If another information source is used, it must be identified. If wastes such as inert materials, construction/demolition debris, yard trimmings, tires, industrial sludge, and others are being collected, stored, or disposed of at a solid waste landfill, then the waste stream characterization will include these wastes. Local governments shall also account for fluctuations in quantities disposed due to known events such as seasonal variations in population, public events (e.g., fairs, festivals, concerts), shifts in manufacturing or production processes, landfill bans, etc., and any type of waste generating disaster(s).
- (b) Using the information gathered in the inventory phase, extrapolate anticipated waste amounts for the ten-year planning period that is reasonably consistent with population trends and population projections. The waste stream analysis and extrapolation shall begin with the current planning year and extend ten years beyond the year of plan completion. Projections shall be annual projections, unless otherwise noted and shall be reasonably consistent. Methods and assumptions used in calculating daily and annual tonnage, as well as the percentage of composition by source must be documented.
- (c) This information will guide local government decisions regarding current and future solid waste management service and facility needs. In addition, this information will provide the basis for creating, implementing, and sustaining programs to help the State achieve a statewide per capita municipal solid waste disposal reduction goal of 25 percent. All decisions in subsequent elements shall relate back to the information presented in this inventory.

#### **(5) Five Core Planning Elements**

Each of the five core planning elements must relate back to the information provided in the Waste Disposal Stream Analysis and shall include the following steps:

- Inventory and Assessment, and
- Needs and Goals.

**Inventory and Assessment:** The inventory will provide local governments with basic information about existing programs and infrastructures in order to assess the usefulness of current programs. It must include the following activities:

- Preparation of an inventory of current programs, capacities, and facilities for the five core planning elements including routine operations. Under special conditions resulting from any type of disaster which generates significant volumes of waste and/or special wastes the plan shall identify procedures for the collection, waste reduction (recycling), disposal, and public notification of alternative programs for the commercial and residential waste generated from the disaster.
- Assessment of current programs, capacities and facilities for the five core planning elements shall relate directly to the information provided in the Waste Disposal Stream Analysis and shall include consideration of the implications of current conditions. The assessment should encompass input from the public.

**Statement of Needs and Goals:** Following the inventory and assessment portion for each of the five core planning elements the plan shall include a statement of current and future needs and goals which reflect the information gathered in the inventory and assessment phase.

**(a) Waste Reduction Element**

1. Provide an inventory of current Waste Reduction and Recycling programs, both public and private. Questions that may be considered include:
  - Who (which segment(s)) does the program target, how many are served?
  - What types of recyclables are collected?
2. Specific items to be addressed, where applicable to a community, are as follows:
  - (i) **Source reduction:** Inventory of source reduction programs for residential, commercial, and industrial sectors, such as reuse programs, financial incentives, waste audits, waste exchanges, or industrial process changes.
  - (ii) **Recycling:** Inventory of public and private recycling facilities and programs (e.g., drop-off centers, buy-back centers, recovered materials processing facilities, curbside collection programs, and commercial and industrial programs, including those implemented in-house and those operated in cooperation with a local government program).
3. **Yard Trimming Mulching/Composting:** Georgia law specifies: “Effective September 1, 1996, each city, county, or solid waste management authority shall impose restrictions on yard trimmings which are generated in or may ultimately be disposed of in its area of jurisdiction. These restrictions shall include but are not limited to:
  - (i) A requirement that yard trimmings not be placed in or mixed with municipal solid waste;
  - (ii) A ban on the disposal of yard trimmings at municipal solid waste disposal facilities having liners and leachate collection systems or requiring vertical expansion within its jurisdiction;

- (iii) A requirement that yard trimmings be sorted and stored for collection in such a manner as to facilitate collection, composting, or other handling; and
- (iv) A requirement that yard trimmings be sorted and stockpiled or chipped, composted, used as mulch, or otherwise beneficially reused or recycled to the maximum extent feasible.”

Inventory any and all types of composting and mulching programs (e.g., home composting, municipal composting, or limb and stump grinding) or other methods (e.g., inert landfilling, WTE) that keep yard trimmings out of lined landfills. If either or both programs are operated by a public entity, include the processing capacity of the facility(ies) or programs. Also, describe what happens to the yard trimmings after collection (e.g., composted, ground up for mulch, sent to inert landfill, etc.), and how the end product, if any, is distributed.

4. **Special Management Items:** Inventory of public and private facilities and programs that address items requiring special management procedures such as, **but not limited to**, electronics, household hazardous waste, lead acid batteries, tires, and white goods.
5. Based on the information reported in the Waste Disposal Stream Analysis, assess if the current waste reduction and recycling program(s) target the appropriate waste generating sector(s) and/or waste stream(s) to achieve the State’s 25% per capita waste disposal reduction goal.
6. The needs and goals section provides the opportunity to examine the adequacy of current programs and explore other programmatic options, including costs. Provide a statement of needs and goals based on the assessment of current programs as they relate to targets identified in the Waste Stream Element and the State’s 25% per capita waste disposal reduction goal.

**(b) Collection Element**

1. Provide information on the types of collection arrangements, contracts, agreements, ordinances etc., established to ensure adequate public or private collection capability:
  - (i) Inventory current solid waste and recyclable collection programs: name(s) and addresses of hauler(s) operating in the jurisdiction – both residential and commercial;
  - (ii) Types of collection programs (e.g., curbside collection, staffed convenience centers, unstaffed green box system, etc.); and
  - (iii) Who manages them (e.g., municipally managed, local government contracts with hauler(s), citizens – residential and/or business – contract directly with the hauler, etc.)?

2. If yard trimmings are collected, include a description of the collection method(s) – who collects it and how (curbside or drop off).
3. Address the adequacy of the collection programs as they relate to the overall population in the planning area, population density in specific regions within the planning area and topographic factors that influence collection decisions. If type of service is not 100% over the whole planning area, identify each population segment and the collection method for each segment.
4. If appropriate, identify the frequency of illegal dumping in the planning area and methods for correcting the problem.
5. Are current collection programs adequate for serving present and future community needs and to facilitate progress towards the waste reduction goals? Provide a statement of needs and goals for current and future collection programs which outline a strategy for providing an effective, affordable collection system for the ten-year planning period.
6. The Plan must also include a contingency strategy for the interim collection of solid waste generated within the local government's jurisdiction in the event the primary collection option becomes interrupted. At a minimum, such a contingency strategy must identify:
  - (i) What alternative collection option(s) the local government will use on an interim basis; and
  - (ii) The estimated length of time it will take the local government to bring the contingency collection option(s) on line, if that becomes necessary.

**(c) Disposal Element**

1. Provide a detailed inventory of current disposal practices.
  - (i) **Disposal:** Identify and include the type (e.g., solid waste landfill, tire monofill, inert landfill, construction and demolition landfill), capacity (size and projected remaining life), ownership (public or private), location, and the types of wastes accepted for each disposal facility used or planned to be used during the planning period.
  - (ii) **Thermal Treatment Technologies:** Identify and include the type (e.g., waste-to-energy, refuse-derived fuel, wood waste incinerator, tire-derived fuel, co-firing industrial boiler), general facility description, location, ownership (public or private), capacity, types of wastes accepted, and disposal method of residual materials for each facility used or planned to be used during the planning period.

2. Once the inventory is complete, assess if existing facilities and current practices will be adequate throughout the ten-year planning period.
3. Based upon the inventory and assessment provide a statement of needs and goals as they relate to current and future disposal options.
4. **Assurance of ten-year disposal capacity:** Under the Georgia Comprehensive Solid Waste Management Act of 1990, each local government must provide ten-year capacity assurance whether that local government relies on its own landfill, another local government, regional authority, private entity or any combination thereof for disposal of the solid waste generated within the planning jurisdiction. In this element, local governments must identify current disposal practices, the party or parties involved in current disposal practice agreements, the length of time covered by current disposal agreements, and describe the process used to identify and secure future landfill capacity adequate to serve the jurisdiction's disposal needs so that ten full years of disposal capacity is covered by the plan. Capacity assurance agreements can be from one or more facilities as long as the ten-year requirement is met. All disposal agreements shall identify the jurisdiction(s) covered by the agreement and an estimation, based on current disposal information, of waste to be disposed at the facility or facilities. As documentation, local governments shall include one of the following as an appendix to the plan:
  - (i) Some form of formal, written agreement between two or more parties (e.g., an interlocal agreement) which describes a process by which the local government(s) has negotiated waste disposal options with a landfill or landfills covering the ten year planning time frame;
  - (ii) A written commitment from the owner of a disposal facility certifying sufficient capacity;
  - (iii) A written commitment of capacity assurance, which identifies the landfill(s) where the waste is disposed, from a commercial or contract solid waste hauler serving a local government.
5. The Plan must also include a contingency strategy for the interim disposal of the solid waste generated within the local government's jurisdiction in the event the primary disposal option becomes interrupted. At a minimum, such a contingency strategy must identify:
  - (i) What alternative disposal option(s) the local government will use on an interim basis; and
  - (ii) The estimated length of time it will take the local government to bring the contingency disposal option(s) on line, if that becomes necessary.

**(d) Land Limitation Element**

1. Provide an assessment of land areas which, due to natural environmental limitations or land use factors, are considered unsuitable for development for recycling, recovery, composting or solid waste disposal facilities. Include a map identifying the areas determined to be unsuitable for the location of such facilities. Based on the inventory and assessment, communities should develop and include in the plan a strategy to: 1) discourage the location of such facilities in areas identified as unsuitable; and 2) identify a decision making process for the selection of sites for new solid waste handling facilities. Specific items to be considered are as follows:

**(i) Natural Environmental Limitations:**

- (I) Water supply watersheds:** DNR Rule 391-3-16-.01(7)(c)1 requires that at any location within a small water supply watershed, new solid waste landfills must have synthetic liners and leachate collection systems.
- (II) Groundwater recharge areas:** DNR Rule 391-3-16-.02(3)(a) requires that in significant groundwater recharge areas, DNR shall not issue permits for new solid waste landfills not having synthetic liners and leachate collection systems.
- (III) Wetlands:** DNR Rule 391-3-16-.03(3)(e) establishes that solid waste landfills may constitute an unacceptable use of a wetland.
- (IV) River corridors:** DNR Rule 391-3-16-.04(4)(h) prohibits the development of new solid waste landfills within protected river corridors.
- (V) Protected mountains:** DNR Rule 391-3-16-.05(4)(l) prohibits the development of new solid waste landfills in areas designated as protected mountains.

**(ii) Criteria for siting:** The following items are criteria for siting solid waste facilities under DNR Rules. Local governments preparing plans should consult with DNR for the most current applicable rules.

- (I) Zoning:** DNR Rule 391-3-4-.05(1)(a) requires that the site must conform to all local zoning/land use ordinances, and that written verification of such be submitted to EPD.
- (II) Airport safety:** DNR Rule 391-3-4-.05(1)(c) requires that new solid waste landfill units or lateral expansions of existing units shall not be within 10,000 feet of any public use or private use airport runway end used by turbojet aircraft or within 5,000 feet of any public use or private use airport runway end used by only piston type aircraft.

- (III) Flood plains:** DNR Rule 391-3-4-.05(1)(d) stipulates that any solid waste landfill located in the 100-year flood plain shall not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the flood plain, or result in a washout of solid waste so as to pose a threat to human health or the environment.
- (IV) Wetlands:** DNR Rule 391-3-4-.05(1)(e) prohibits the development of solid waste landfills in wetlands, as defined by the U. S. Army Corps of Engineers, unless evidence is provided by the applicant to EPD that use of such wetlands has been permitted or otherwise authorized under all other applicable state and federal laws and rules.
- (V) Fault areas:** DNR Rule 391-3-4-.05(1)(f) requires that new landfill units and lateral expansions of existing landfills shall not be located within 200 feet of a fault that has had displacement in the Holocene Epoch unless the owner or operator demonstrates to EPD that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the landfill unit and will be protective of human health and the environment.
- (VI) Seismic impact zones:** DNR Rule 391-3-4-.05(1)(g) prohibits the development of new landfill units and lateral expansions in seismic impact zones unless the owner or operator demonstrates to EPD that all containment structures, including liners, leachate collection systems, and surface water control systems are designed to resist the maximum horizontal acceleration in lithified earth material for the site.
- (VII) Unstable areas:** DNR Rule 391-3-4-.05(1)(h) requires owners or operators of new landfill units, existing landfill units, and lateral expansions located in unstable areas to demonstrate that engineering measures have been incorporated in the landfill unit's design to ensure that the integrity of the structural components of the landfill unit will not be disrupted.
- (VIII) Significant groundwater recharge areas:** DNR Rule 391-3-4-.05(1)(j) requires new solid waste landfills or expansions of existing facilities within two miles of a significant groundwater recharge areas to have liners and leachate collection systems, with the exception of facilities accepting waste generated from outside the county in which the facility is located. In that case, the facility must be totally outside of any area designated as a significant groundwater recharge area.
- (iii) Required applicant actions relating to landfill siting.**  
Applicants should always check with DNR and the local planning jurisdiction to verify procedures for siting solid waste management facilities that include but are not limited to the following:

- (I) **Disposal facility siting decision:** DNR Rule 391-3-4-.05(1)(b) requires that whenever any applicant begins a process to select a site for a solid waste disposal facility, documentation demonstrating compliance with O.C.G.A. § 12-8-26(a) be submitted to EPD; further, whenever any applicant takes action resulting in a siting decision for a publicly or privately owned solid waste disposal facility, documentation demonstrating compliance with O.C.G.A. § 12-8-26(b) be submitted to EPD.
  - (II) Once a site has been selected, the applicant must conduct a Hydrological Assessment in accordance with the provisions of DNR Rule 391-3-4-.05(1)(k). Preparation of the land limitation element of a solid waste management plan should comply with the Solid Waste Management Act and the Rules of the Department of Natural Resources (DNR) for Solid Waste Management (Chapter 391-3-4) relating to historic sites, airports, jurisdictional boundaries, access, etc. These documents should be consulted for specifics on land limitations and siting of solid waste management facilities.
  - (III) If an applicant undertakes the Facilities Issues Negotiation Process pursuant to a facility siting decision, the process will be undertaken in accordance with O.C.G.A. § 12-8-32 and any guidelines issued by the Department pursuant to State law.
2. Provide a statement of needs and goals regarding land limitation issues for the planning area.
  3. Plan Consistency: In order for EPD to issue or renew a permit for a solid waste handling facility the facility or facility expansion must be consistent with a local government solid waste management plan. The plan shall specify a procedure the local government(s) will follow to determine if a proposed facility, public or private, is consistent with the plan. At a minimum, the procedure shall address
    - (i) how the public will be involved and notified;
    - (ii) the anticipated impact the proposed facility will have upon current solid waste management facilities;
    - (iii) the anticipated impact the proposed facility will have upon adequate collection and disposal capability within the planning area; and
    - (iv) the effect the facility will have upon waste generated within the state achieving the States 25% per capita waste disposal reduction goal.

**(e) Education and Public Involvement Element**

1. Inventory and assess current education programs and public involvement opportunities.
2. Based on the information gathered in the Waste Stream Element, the plan shall discuss the adequacy of the current education programs to target the appropriate waste generating sector(s) and waste stream(s).
3. Provide a statement of needs and goals based on the assessment of current programs as they relate to goals identified in the Waste Stream and Waste Reduction Elements. Educational program(s) considered in this section must focus on issues such as realistic and responsible solid waste management options, and the individual's responsibility for reducing the amount of solid waste generated, controlling litter, and supporting and participating in the community's solid waste management program(s). All educational programs must have source reduction (generate less waste) as a component.
  - (i) The establishment of local solid waste citizen advisory councils is encouraged as an effective vehicle for public involvement in local solid waste issues.
  - (ii) Specific programs to be considered in the plan are as follows:
    - (I) **Local Government Programs:** Include any current or proposed municipal or county education and public involvement programs, including Georgia's Keep America Beautiful affiliate activities, government sponsored volunteer programs, speaker's bureaus, media campaigns, public-private initiatives, and programs provided or coordinated by local government to schools.
    - (II) **Solid Waste Advisory Committee/Task Force:** If such exists, include number and composition of membership, the role or function of the group, how the group was established, and other pertinent details.
    - (III) **School System Programs:** Include current information on available educational programs.
    - (IV) **Litter Control Programs:** Include any local programs, ordinances, or other means of enforcement.
    - (V) **Regional RDC programs:** Include any current or proposed regional programs.

## (6) Implementation Strategy

The final section of the plan is the Implementation Strategy. The Implementation Strategy represents a culmination of information gathered in the preceding elements. After all elements have been inventoried and assessed, and needs and goals have been identified, the plan must

identify an implementation schedule for relevant current programs and future planned programs for each element.

- (a) Programs identified in the implementation strategy must include specific actions which address the needs and goals expressed in the planning elements and which will help the State reach the statewide waste disposal reduction goal.
- (b) Plans and programs presented in the implementation strategy must demonstrate ten-year collection capability and disposal capacity.
- (c) The implementation strategy shall identify specific administrative responsibilities, contractual arrangements, and budgeting necessary to implement the Plan.
- (d) The suggested presentation format for the Implementation Strategy is a table which identifies the year-by-year schedule for implementing the identified strategies. The table will include the five core elements and shall cover the whole ten-year planning time frame. The title of the table will include the names of all jurisdictions included in the plan. The column titles, across the top of the table will include: "Activity", "Years the plan is covering", "the party or parties responsible for managing the activity", "estimated cost of proposed programs" (for appropriate elements), and "funding source." The first five years of the Implementation Strategy will serve as the first Short-Term Work Program. The second half of the Implementation Strategy will be updated in accordance with the planning schedule established and revised from time to time by the Department.

## **CHAPTER 110-4-3-.05 MINIMUM PROCEDURAL STANDARDS**

### **110-4-3-.05 Minimum Procedural Standards**

- (1) **General:** Pursuant to O.C.G.A. § 12-8-31.1, the Department has established minimum procedural standards for use in the preparation, submittal, review, adoption update, and amendment of local, multi-jurisdictional, and regional solid waste management plans.
- (2) **Compliance with Standards:** The Georgia Comprehensive Solid Waste Management Act established a deadline for complying with the Minimum Planning Standards and Procedures for Solid Waste Management. The Department shall maintain the official list of governments that are eligible for municipal solid waste disposal facility and/or solid waste handling facility or recycling equipment grants, loans, and permits based on their compliance with these standards, and shall regularly update the list.
  - (a) Local governments shall prepare, maintain and update, submit for review, and subsequently adopt a solid waste management plan that meets the Minimum Standards

and Procedures approximately every ten years in accordance with a schedule established by the Department.

(b) Local governments shall prepare, maintain and update, submit for review, and subsequently adopt a Short-Term Work Program that meets the Minimum Standards and Procedures approximately every five years in accordance with a schedule established by the Department.

(c) Permit requests and applications for solid waste grants and loans must be consistent with programs and facilities identified in the solid waste plan and short-term work program updates.

Formatted: Bullets and Numbering

**(3) Public Participation for Plan and Plan Updates:** All local governments developing and updating solid waste management plans, plan amendments, and short-term work program updates are required to provide adequate opportunity for public participation in the planning process.

(a) Based on the need established in the State Solid Waste Management Plan, local governments may create Solid Waste Citizen Advisory Councils to assist in plan development.

(b) All local governments must hold a minimum of two public hearings prior to the submittal of their draft solid waste management plan to the Regional Development Center for review. At a minimum, the two hearings will be held 30 days apart to allow for the development of the draft plan. For multi-jurisdictional or regional plans, the two public hearings may be held on behalf of all participating jurisdictions and at a central location in the area served by the plan, as long as the individual governments have followed their public hearing notice procedures and representatives from each jurisdiction were duly notified of the hearing.

1. At least one public hearing must be held prior to the development of the solid waste management plan to inform the public about the purpose of the plan and the process to be followed in the preparation of the solid waste management plan, as well as to elicit community input on needs and goals.
2. At least one additional hearing must be held no sooner than 30 days after the initial public hearing and prior to the submittal of the draft solid waste management plan to the Regional Development Center for review. The purpose of this hearing is to brief the community on the contents of the draft plan, to provide an opportunity for residents to make suggestions, additions or revisions, and to inform the community of when the draft solid waste management plan will be submitted to the Regional Development Center for review. The draft solid waste management plan must be

made accessible to the public at the time of announcement of the second public hearing.

3. Local governments should follow the public hearing notification procedures they normally use in announcing and conducting public hearings. A press release may also be issued to stimulate public interest.

**(4) Plan Submittal:**

- (a) The governing body of the submitting local government, or governments for multi-jurisdictional or regional plans, must take official action, by resolution, authorizing the transmittal of the draft solid waste management plan to the Regional Development Center for review and certifying that the minimum public participation requirements have been met.

- (b) The Regional Development Center shall review solid waste management plan for internal inconsistencies and potential inter-jurisdictional conflicts or conflicts with other local government plans in the region, including but not limited to the local government Comprehensive Plan(s) and the State solid waste management plan. The procedures to be used by a Regional Development Center in reviewing a draft solid waste management plan(s) are as follows:

Formatted: Bullets and Numbering

1. Within 10 days of receipt of a draft solid waste management plan, the Regional Development Center shall forward a copy of the draft plan to the Department and notify the parties listed below of the availability of the plan for review and comment. This notification shall include, at a minimum, the name(s) of the submitting local government(s); the date of plan submittal; a one-paragraph summary of the major elements of the plan and a date when written comments must be submitted to the RDC.
  - (i) Local governments within the region that are contiguous to the submitting local government(s) and other local governments within the region that are likely to be affected by the plan; and
  - (ii) Local governments outside the region that are contiguous to the submitting local government(s) and their Regional Development Center(s).
  - (iii) The Department and the State Agencies listed on the State Government Contacts for Notification of Solid Waste Management Plan Review list maintained by the Department and periodically sent to RDC Directors.

2. Within 25 days after receipt of the draft solid waste management plan, the Regional Development Center may, at its discretion, conduct a regional review hearing at which any local government, Regional Development Center, or State agency may present its views on the submitted solid waste management plan.

Formatted: Bullets and Numbering

3. Within 40 days after receiving the draft solid waste management plan, the Regional Development Center shall:

Formatted: Bullets and Numbering

- (i) Complete and finalize their review of the draft plan for internal inconsistencies and potential inter-jurisdictional conflicts or conflicts with other local government plans in the region, including but not limited to the local government's Comprehensive Plan and the State solid waste management plan. Upon completing the review the Center shall:
  - (I) Notify the Department and local government(s) of any identified conflicts in the draft plan and work with the affected parties to offer specific suggestions that would resolve the conflicts. If the potential conflicts can not be resolved within 40 days after receiving the draft plan, the Center shall notify the Department; or
  - (II) Notify the Department that the draft plan has been reviewed and no internal inconsistencies, potential inter-jurisdictional conflicts, or conflicts with other local government plans in the region, including but not limited to the local government's Comprehensive Plan and the State solid waste management plan were found.
- (ii) Identify opportunities for cooperation and /or coordination with plans of local governments within the region, plans of contiguous local governments outside the region, or any regional solid waste management plan. The Center shall forward these comments in writing along with the plan consistency review findings noted above to the Department.

#### (c) Department Plan Review

1. Upon receiving the RDC's findings and within 60 days of the RDC having received the draft plan, the Department shall review the plan and determine if it complies with the minimum planning standards and procedures for solid waste management. The Department shall:
  - (i) Notify the RDC that the draft plan has been reviewed and meets the minimum planning standards and procedures; or
  - (ii) Notify the RDC that the draft plan does not meet the minimum planning standards and procedures, noting the specific deficiencies in the draft plan.

2. Within 10 days after receiving the Department's review findings, the Regional Development Center shall notify the local government(s) of the findings. A submitting local government that disagrees with the findings may petition the Regional Development Center for a "reconsideration hearing". This hearing shall be scheduled within 15 days after receipt of such a request and held by the Regional Development Center and the Department. Within 10 days after the reconsideration hearing, the Regional Development Center shall either continue or modify the original findings, based upon the Department's ruling, and provide written notice of the decision to the submitting local government.
3. The Department shall make the final determination as to whether a solid waste management plan is in compliance with the Minimum Standards and Procedures.

**(d) Plan Review Notification & Plan Adoption**

1. If the Department determines that the plan meets the Minimum Standards and Procedures, the local government may:
  - (i) Adopt the plan as submitted if no suggestions for improvements are made by either the Regional Development Center or the Department; or
  - (ii) Adopt the plan, with or without any advisory suggested improvements made by either the Regional Development Center or the Department.
  - (iii) To be considered an "eligible local government," a local government shall not adopt a draft solid waste management plan until they receive a letter indicating the Department has reviewed the draft plan and found it to be consistent with the minimum planning standards and procedures.
2. If the Department determines that the plan does not meet the Minimum Standards and Procedures, the local government may:
  - (i) Revise the plan based upon the Regional Development Center's or the Department's comments and submit the proposed revisions to the Regional Development Center and Department for review;
  - (ii) Disagree with the Regional Development Center's and Department's findings and request a reconsideration hearing; or
  - (iii) Disagree with the determination and adopt the plan as originally submitted. However, for a local government to be eligible for municipal solid waste disposal facility and/or solid waste handling equipment or recycling equipment grants, loans, and permits, the solid waste management plan adopted must be in compliance with the Minimum Standards and Procedures for solid waste management.

3. After notifying the local government(s) of the draft plan review findings, the Regional Development Center shall work with the local government(s) to ensure the timely adoption of the reviewed draft solid waste management plan. If one or more governments participating in a multi-jurisdictional or regional solid waste plan fails to adopt the plan within 60 days of approval by the Department, the Regional Development Center will determine whether that failure to adopt will negatively affect the other jurisdictions' ability to effectively implement the plan. If there is no negative effect, then the Regional Development Center will recommend to the Department that the jurisdictions adopting the plan receive full eligibility for solid waste grants, loans, and permits. If the Regional Development Center determines that non-adoption by one or more jurisdictions in the plan will have a negative effect on plan implementation, then the Regional Development Center will initiate negotiation and/or mediation between affected jurisdictions. Subsequent to the negotiation and mediation process, jurisdictions failing to adopt a multi-jurisdictional plan will be responsible for preparing their own individual solid waste management plan(s).
4. The governing body of the submitting local government shall notify the Regional Development Center, in writing, within seven days of the adoption of the approved plan. No such adoption shall occur until 60 days after the plan is first submitted to the Regional Development Center for review, 90 days if reconsideration is requested, or unless an express written waiver by the Department is issued. All local governments

included in a plan must adopt the plan to be eligible for grants, loans, and permits, unless a written waiver has been granted.

5. The Regional Development Center shall send copies to the Department of all notices of local government adoption within seven days after receiving notification from all the jurisdiction(s) party to a plan that the approved plan has been adopted.
6. Once the Department has received copies of the local government's notice of adoption of the approved solid waste management plan from the Regional Development Center, the Department will issue a letter of eligibility for solid waste permits, grants, and loans to the local governments within the planning area.
7. Notwithstanding anything to the contrary herein, the Department, having plenary authority over the plan approval process, reserves the right to make an independent decision based upon the Minimum Standards and Procedures.

(e) Informal or formal mediation of conflicts relating to local solid waste management plans may be initiated by the Regional Development Center in accordance with the procedures adopted pursuant to the Georgia Solid Waste Management Act.

**(5) Updates to Solid Waste Management Plans**

← - - - - Formatted: Bullets and Numbering

- (a) All local governments shall prepare and submit a complete update to the approved solid waste management plan at least once every ten years in accordance with a schedule established by the Department, in addition to the five-year update to the Short Term Work Program. If any significant solid waste facility or program changes take place within a jurisdiction, an update to the solid waste plan should be initiated to encompass the resultant actions that a major change in facilities or programs will create.
- (b) **Five-Year Short-Term Work Program (STWP):** Local governments shall prepare and submit an update to their Implementation Strategy every five years. This update shall include (1) a report of plan accomplishments that must identify the current status of each activity in the existing Short-Term Work Program and (2) a new Short-Term Work Program covering the next five-year planning period. Each STWP update must also include an assurance that the local government(s) have ten years of disposal capacity. An updated version of the documentation submitted with a full Solid Waste Management Plan must be submitted with a Short-Term Work Program update. For the report of accomplishments the local governments shall, at a minimum, indicate activities that: (a) have been completed; (b) are currently underway, including an anticipated project completion date if applicable; (c) have been postponed, with justification; and (d) have not been accomplished and are no longer being considered for implementation, again with justification and documentation that the basic tenets of the plan are still intact.

**(6) STWP Submittal**

- (a) The governing body of the submitting local government, or governments for multi-jurisdictional or regional plans, must take official action, by resolution, authorizing the transmittal of the draft STWP to the Regional Development Center for review and certifying that the minimum public participation requirements have been met.
- (b) The Regional Development Center shall review each STWP for internal inconsistencies and potential inter-jurisdictional conflicts or conflicts with other local government plans in the region, including but not limited to the local government Comprehensive Plan(s) and the State solid waste management plan. The procedures to be used by a Regional Development Center in reviewing a draft STWP are as follows:
  1. Within 10 days of receipt of a draft STWP, the Regional Development Center shall forward a copy of the draft STWP to the Department and notify the parties listed in (i) through (iii) below of the availability of the STWP for review and comment. This notification shall include, at a minimum, the name(s) of the submitting local government(s); the date of STWP submittal; a one-paragraph summary of the major elements of the STWP and a date when written comments must be submitted to the RDC.
    - (i) Local governments within the region that are contiguous to the submitting local government(s) and other local governments within the region that are likely to be affected by the STWP; and

← - - - Formatted: Bullets and Numbering

- (ii) Local governments outside the region that are contiguous to the submitting local government(s) and their Regional Development Center(s).
- (iii) The Department and the State Agencies listed on the State Government Contacts for Notification of Solid Waste Management Plan Review list maintained by the Department and periodically sent to RDC Directors.

2. Within 25 days after receipt of the draft STWP, the Regional Development Center may, at its discretion, conduct a regional review hearing at which any local government, Regional Development Center, or State agency may present its views on the submitted STWP.

Formatted: Bullets and Numbering

3. Within 40 days after receiving the draft STWP, the Regional Development Center shall:

(i) Complete and finalize their review of the draft STWP for internal inconsistencies and potential inter-jurisdictional conflicts or conflicts with other local government plans in the region, including but not limited to the local government's Comprehensive Plan and the State solid waste management plan. Upon completing the review the Center shall:

(I) Notify the Department and local government(s) of any identified conflicts in the draft STWP and work with the affected parties to offer specific suggestions that would resolve the conflicts. If the potential conflicts can not be resolved within 40 days after receiving the draft STWP, the Center shall notify the Department; or

(II) Notify the Department that the draft STWP has been reviewed and no internal inconsistencies, potential inter-jurisdictional conflicts, or conflicts with other local government plans in the region, including but not limited to the local government's Comprehensive Plan and the State solid waste management plan were found.

(ii) Identify opportunities for cooperation and /or coordination with plans of local governments within the region, plans of contiguous local governments outside the region, or any regional solid waste management plan. The Center shall forward these comments in writing along with the STWP consistency review findings noted in section 1 above to the Department.

### (c) Department STWP Review

1. Upon receiving the RDC's findings and within 60 days of the RDC having received the draft STWP, the Department shall review the STWP and determine if it complies with the minimum planning standards and procedures for solid waste management. The Department shall:

- (i) Notify the RDC that the draft STWP has been reviewed and meets the minimum planning standards and procedures; or
  - (ii) Notify the RDC that the draft STWP does not meet the minimum planning standards and procedures, noting the specific deficiencies in the draft STWP.
2. Within 10 days after receiving the Department's review findings, the Regional Development Center shall notify the local government(s) of the findings. A submitting local government that disagrees with the findings may petition the Regional Development Center for a "reconsideration hearing". This hearing shall be scheduled within 15 days after receipt of such a request and held by the Regional Development Center and the Department. Within 10 days after the reconsideration hearing, the Regional Development Center shall either continue or modify the original findings, based upon the Department's ruling, and provide written notice of the decision to the submitting local government.
  3. The Department shall make the final determination as to whether a STWP is in compliance with the Minimum Standards and Procedures.

**(d) STWP Review Notification & STWP Adoption**

1. If the Department determines that the STWP meets the Minimum Standards and Procedures, the local government may:
  - (i) Adopt the STWP as submitted if no suggestions for improvements are made by either the Regional Development Center or the Department; or
  - (ii) Adopt the STWP, with or without any advisory suggested improvements made by either the Regional Development Center or the Department.
  - (iii) To be considered an "eligible local government," a local government shall not adopt a draft STWP until they receive a letter indicating the Department has reviewed the draft STWP and found it to be consistent with the minimum planning standards and procedures.
2. If the Department determines that the STWP does not meet the Minimum Standards and Procedures, the local government may:
  - (i) Revise the STWP based upon the Regional Development Center's or the Department's comments and submit the proposed revisions to the Regional Development Center and Department for review;
  - (ii) Disagree with the Regional Development Center's and Department's findings and request a reconsideration hearing; or

- (iii) Disagree with the determination and adopt the STWP as originally submitted. However, for a local government to be eligible for municipal solid waste disposal facility and/or solid waste handling equipment or recycling equipment grants, loans, and permits, the STWP adopted must be in compliance with the Minimum Standards and Procedures for solid waste management.
- 3. After notifying the local government(s) of the draft STWP review findings, the Regional Development Center shall work with the local government(s) to ensure the timely adoption of the reviewed draft short-term work program. If one or more governments participating in a multi-jurisdictional or regional STWP fails to adopt the STWP within 60 days of approval by the Department, the Regional Development Center will determine whether that failure to adopt will negatively affect the other jurisdictions' ability to effectively implement the STWP. If there is no negative effect, then the Regional Development Center will recommend to the Department that the jurisdictions adopting the STWP receive full eligibility for solid waste grants, loans, and permits. If the Regional Development Center determines that non-adoption by one or more jurisdictions in the STWP will have a negative effect on plan implementation, then the Regional Development Center will initiate negotiation and/or mediation between affected jurisdictions. Subsequent to the negotiation and mediation process, jurisdictions failing to adopt a multi-jurisdictional STWP will be responsible for preparing their own individual solid waste management plan(s).
- 4. The governing body of the submitting local government shall notify the Regional Development Center, in writing, within seven days of the adoption of the approved STWP. No such adoption shall occur until 60 days after the STWP is first submitted to the Regional Development Center for review, 90 days if reconsideration is requested, or unless an express written waiver by the Department is issued. All local governments included in a STWP must adopt the plan to be eligible for grants, loans, and permits, unless a written waiver has been granted.
- 5. The Regional Development Center shall send copies to the Department of all notices of local government adoption within seven days after receiving notification from all the jurisdiction(s) party to a plan that the approved STWP has been adopted.
- 6. Once the Department has received copies of the local government's notice of adoption of the approved STWP from the Regional Development Center, the Department will issue a letter of eligibility for solid waste permits, grants, and loans to the local governments within the planning area.
- 7. Notwithstanding anything to the contrary herein, the Department, having plenary authority over the plan approval process, reserves the right to make an independent decision based upon the Minimum Standards and Procedures.

- (e) Informal or formal mediation of conflicts relating to local solid waste management plans may be initiated by the Regional Development Center in accordance with the procedures adopted pursuant to the Georgia Solid Waste Management Act.

**(7) Amendments**

The Minimum Planning Standards and Procedures for Solid Waste Management provide for plan amendments and apply to local, multi-jurisdictional, and regional plans. Generally, a local government solid waste management plan would be subject to an amendment when: (1) the conditions or policies on which the original plan were based have changed significantly so as to alter the basic tenets of the approved plan; or (2) when proposed changes have an effect on another local government.

- (a) **Minor Amendments** It is not intended that every minor amendment to an approved solid waste management plan be submitted to a Regional Development Center and the Department for review and approval. Proposed amendments which are strictly local in nature and do not have an effect on another local government or change the basic tenets of a solid waste management plan need not be submitted to the Regional Development Center or the Department for review. However, a summary of minor amendments must be submitted annually to the Regional Development Center and the Department along with a statement by the local government(s) that the individual and cumulative effects of the minor amendments do not significantly alter the basic tenets of the approved plan. When in doubt as to whether a proposed amendment qualifies for Regional Development Center and Department review, local governments should always consult with their Regional Development Center.

For minor plan amendments, one local public hearing (conducted by the local government(s) proposing the amendment) may be held to inform the public of the intended amendment to the plan and to receive suggestions and comments on the proposed amendment. Local governments should follow their own procedures normally used for announcing and conducting local public hearings if it is decided that a local public hearing is needed.

- (b) **Major Amendments** Major plan amendments that must be submitted to the Regional Development Center and Department for review include any changes that would alter the basic tenets of the plan or affect another local government. At a minimum, major plan amendments would include:

1. Changes that affect a local government(s) assurance of 10-year collection capability;
2. Changes that affect a local government(s) assurance of 10-year disposal capacity;
3. Changes that affect a local government(s) strategy for achieving the 25% waste reduction goal;

4. Changes that would alter the identification of land areas unsuitable for a solid waste handling facility; or
5. Changes in any solid waste facilities, such as new facilities or major modifications of existing facilities requiring EPD permits.

The above list of potential items that may constitute a major plan amendment is not inclusive. Local governments should consult with their Regional Development Center or the Department if there is any question about whether a proposed amendment should be considered a major amendment

**(c) For major plan amendments the following procedure applies:**

1. One local public hearing must be held by the local government(s) proposing the amendment to inform the public of the intended amendment to the plan and to receive suggestions and comments on the proposed amendment. A written copy of the proposed amendment(s) must be available at this public hearing so that the public will clearly know what changes are being proposed.
2. Local governments should follow the notification procedures normally used for announcing and conducting local public hearings.
3. For multi-jurisdictional and regional plans, one centrally-held public hearing by the jurisdiction(s) proposing the amendment will be considered adequate in meeting this requirement, provided that the individual local government(s) have followed their customary public hearing notice procedures and all local governments party to the plan have been notified.
4. The local government submitting the amendment is required to take official action, by resolution, authorizing the transmittal of the proposed amendment(s) to the Regional Development Center and Department for review. The resolution, at a minimum, should state that local public hearing requirements were met. For multi-jurisdictional or regional plan amendment(s), local governments must also send the Regional Development Center a statement identifying the local government(s) included in the plan that could potentially be affected by the proposed amendment.
5. The Regional Development Center and Department review procedures for major amendments are essentially the same as those review procedures established for new solid waste management plans.
6. In addition to the review procedures for major plan amendments, the Regional Development Center must include in any favorable report of Findings and Recommendations a statement for all local governments included in the plan that the proposed plan amendment does not negatively affect compliance with the following

items: the 10-year collection capability; 10-year disposal capacity; the strategy for achieving a 25% reduction goal; the identification of land areas unsuitable for solid waste facilities; and any solid waste facilities requiring EPD permits.

7. In the event that a proposed amendment negatively affects another local government's compliance with the Minimum Planning Standards and Procedures, the affected local government must also take the appropriate action to amend its plan. The Regional Development Center shall inform the affected local government(s) of the solid waste management plan deficiencies that will exist if the proposed amendment is adopted and of the procedure for correcting those deficiencies.

8. Once the major amendment is approved by the Department and adopted locally, the Department will issue a letter to the local government(s) notifying each of its continued status of eligibility to apply for solid waste permits, grants and loans.

Formatted: Bullets and Numbering

9. It is the Regional Development Center's responsibility to review any multi-jurisdictional and regional solid waste management plan amendment(s) for interjurisdictional effects and make recommendations for appropriate action to local governments, when needed.

10. Provided that all of these requirements have been met, local government(s) can proceed with adoption of the plan amendment.

11. If conflicts are identified during the plan amendment review process, the affected local governments should make every attempt to resolve the conflict(s) informally. If this does not prove to be effective, formal mediation, as provided for in the procedures for Mediation of Interjurisdictional Conflicts, may be initiated by any affected local government.